Roma Ruit.

THE PILLARS OF ROME Broken:

WHEREIN

All the ſeveral *Pleas* for the *Pope*'s Authority in *England*, with all the *Material* Defences of them, as they have been urged by *Romaniſts* from the beginning of our *Reformation* to this day, are *Reviſed* and *Anſwered*.

To which is *Subjoyned*

A Seaſonable *Alarm* to all Sorts of *Engliſhmen*, againſt *Popery*; both from their *Oaths* and their *Intereſts*.

By *Fr. Fullwood* D. D. Arch-Deacon of *Totnes* in *Devon*.

LONDON,

Printed for *Richard Royſton*, Bookſeller, to His Moſt Sacred Majeſty, MDCLXXIX.

REVERENDISSIMO

In Christo Patri

GULIELMO

Archiepiscopo

CANTUARIENSI,

Totius ANGLIÆ PRIMATI,

&

Regiæ Serenissimæ Majestatis

à

Sanctioribus Conciliis.

FRANCISCUS FULLWOOD,

Olim

Collegii EMANUEL.

Apud

CANTABRIGIENSES,

Librum hunc, humillimè

D. D. D.

TO THE

RIGHT REVEREND

Father in God,

GEORGE

Lord Biſhop of

WINTON,

Prelate of the Moſt Noble Order of the GARTER.

My very good Lord:

BLeſſed be *God*, that I have *Survived* this Labour, which I once feared I ſhould have *ſunk* under; and that I live to publiſh my Endeavours once more, in the Service of the Church of *England*; and thereby, have obtained my *wiſh'd* opportunity, to *dedicate* a *Monument*

of my deep Sence, of your Lordſhip's manifold obligations upon me.

In particular, I rejoyce in the acknowledgment, that I ow my Publick *Station*, next under *God* and His Sacred *Majeſty*, to your *Lordſhip*'s Aſſiſtance and Sole Intereſt; though, I cannot think, ſo much out of kindneſs to my *Perſon* (*then*, altogether unknown to your Lordſhip) as *affection* and care of the *Church*; grounded in a great and pious *intention*, (however the object be eſteem'd) truly worthy of ſo Renowned a Prelate, and (*many other waies*) excellent and admired *Patriot* of the Church of *England*.

If, either my *former* attempts have been anywiſe available to the weakning the Bulworks of *Non-Conformity*; or my preſent *Eſſay*, may ſucceed, in any meaſure, to evince or confirm the *Truth* in this *greater Controverſie*; I am *happy*; that, as *God* hath ſome *glory*, and the *Church* ſome *advantage*; ſo ſome *honour* redounds upon your *Lordſhip*; who, with a virtuous deſign,

ſign, gave me a Capacity at *firſt*, and *ever ſince*, have quickned and animated my Endeavours, in thoſe *Services*.

I may be permitted to name our Controverſie with the Church of *Rome*, the great *Controverſie*: For having been exerciſed, in *all* the *ſorts* of Controverſie with Adverſaries, on the *other hand*; I have found, that *all* of them put together, are not conſiderable; either, for *weight* of matter, or *copiouſneſs* of Learning; or for *Art*, *Strength*, or *Number* of Adverſaries, in compariſon of *this*.

It takes in, the *Length* of *time*; the *Breadth* of *place*; and is managed, with the Heighth of *Wit*, and Depth of *Subtlety*; *the Hills are covered with the Shadow of it, and its Boughs are like the goodly Cedars.*

My *Eſſay* in theſe *Treatiſes*, is, to *ſhorten* and *clear* the way; and therefore, though I muſt run with it through *all time*; I have reduc'd the *place*; and removed the *Wit* and *Subtleties*, that would impede our progreſs.

I have

I have endeavoured to lop off *luxuriant* branches, and swelling *excrescencies*; to lay aside all personal reflections, captious advantages, *Sophistical* and *Sarcastical* Wit; and to set the Arguments on *both* sides, free from the darkness of all kind of *cunning*, either of *escape* or *reply*, in their *plain* light and *proper* strength; as also, to *confine* the Controversie, as near as I can, within the bounds of our own *Concern*, *i. e.* our own *Church*.

And when this is done, the plain and *naked truth* is; that the *meanest* of our other Adversaries (I had almost said the silly Quaker himself) seems to me, to have better *Grounds*, and more *like Christian*, than the *glorious Cause* of the Papacy.

But to draw a little nearer to our *Point*; your *Lordship* cannot but observe, that one end of the *Roman* Compass, is ever fixed upon the *same Center*; and the summ of their *clamour* is, our *disobedience to the See of Rome*. Our *defense* stands, upon a twofold *Exception*: 1. Against the *Authority*: 2. Against

gainſt the *Laws* of *Rome*; and if *either* be juſtified, we are innocent.

The firſt *Exception* (and the *defence* of our Church, againſt the *Authority* of that *See*) is the matter of *this Treatiſe*; the ſecond, is *reſerved*.

I have determined, that all the *Arguments* for the *Pope's Authority*, in *England*, are reduceable, to a *five-fold Plea*: the Right of *Converſion* as our Apoſtle; the Right of a *Patriarch*; the Right of *Infallibility*; the Right of *Preſcription*, and the Right of *Univerſal Paſtorſhip*: the *Examination* of them, carries us through our *Work*.

Verily, to my knowledge, I have omitted nothing *Argumentative* of any one of theſe Pleas: yea, I have conſidered all thoſe little *inconſiderable* things, which, I find any *Romaniſts* ſeem to make *much of*. But, indeed, their pretended Right of *poſſeſſion* in *England*, and the *Univerſal Paſtorſhip*, (to which they adhere, as their *ſureſt holds*) have my moſt intended and greateſt

greateſt *ſtrength*, and *care* and dilligence; that nothing *material*, or *ſeemingly* ſo, might *eſcape*, either *unobſerved*, or *not fully* anſwered; let not the contrary be *ſaid*, but *ſhewn*.

I have further laboured to *contract* the Controverſie, *two* ways.

1. By a very *careful*, as well as *large*, and I hope, as *clear ſtate* of the queſtion, in my *definition* and *diſcourſe* of *Schiſm*, at the beginning: whereby, *miſtakes* may be prevented, and much of *matter diſputed* by others, excluded.

2. By waving the *diſpute* of ſuch things, as have no influence into the *Concluſion*; and (according to my uſe) giving as many and as large *Conceſſions* to the Adverſary, as our *Cauſe* will ſuffer.

Now, my *end* being favourably underſtood, I hope, there is no need to ask your *Lordſhips*, or any others, *pardon*, for that I have *choſen* not to *diſpute*, *two* great things.

1. That, in the Words (*tu es Petrus*,

&

& ſuper hanc Petram) there is intended, ſome reſpect, *peculiar* to ſaint *Peter's Perſon*: it is generally acknowledged, by the moſt *learned* Defenders of our *Church*, that Saint *Peter* had a *Primacy* of Order; and your *Lordſhip* well knows, that many of the Ancient *Fathers* have expreſſed as much; and I *intend* no more.

2. That *Tradition* may be Infallible, or *indefectible*, in the delivery of the *Eſſentials* of Religion, for ought we know. By the *Eſſentials*, we mean no more, but the *Creed*, the *Lord's Prayer*, the *Decalogue*, and the *two Sacraments*: in this I have my *Second*, and my *Reaſon* too: for then *Ruſhworth's Dialogues*, and the *new Methods* of Roman oppoſition, need not trouble us.

My good Lord, it is high time, to beg your *Pardon*; that I have *reaſon* to conclude with an *excuſe*, for a *long* Epiſtle: the truth is, I thought my ſelf *accountable* to your *Lordſhip*, for a *Brief* of the *Book*, that took its being from your Lordſhip's *Encouragement*;

Encouragement; and the rather, because it seems *unmannerly* to expect, that your *good Old Age* should perplex it self with *Controversie*: which the Good *God*, continue *long* and *happy*, to the *honour* of his Church on *Earth*; and then, *crown* with the *Glory of Heaven*. It is the *hearty* prayer of,

My Lord,

Your Lordships most obliged

and devoted *Servant*,

FR. FULLWOOD.

A PREFACE TO THE READER.

Good Reader,

OUr Roman *Adverſaries claim the Subjection of the Church of* England *by ſeveral Arguments; but inſiſt, chiefly, upon that of poſſeſſion, and the Univerſal Paſtorſhip: if any ſhall deign to anſwer me, I think it reaſonable to expect, they ſhould attach me there, where they ſuppoſe their greateſt ſtrength lies: otherwiſe, though, they may ſeem to have the Advantage, by catching* Shadows, *if I am left unanſwered in thoſe two main Points, the* Subſtance *of their Cauſe is loſt.*

For, if it remain unproved, that the Pope *had*

had quiet poſſeſſion here; and the contrary proof continue unſhaken, the Argument of Poſſeſſion *is on our ſide.*

I doubt not, but you will find, that the Pope *had not poſſeſſion here before; that he took not poſſeſſion by* Auſtine *the Monk; and that he had no ſuch poſſeſſion here,* afterwards, *ſufficient to* create *or* evince *a Title.*

'Tis confeſſed, that Auſtine *took his Arch-Biſhoprick of* Canterbury, *as the* Gift *of Saint* Gregory; *and having recalled many of the People to* Chriſtianity, *both the* Converts *and the* Converter, *gave* great Submiſſion *and reſpect to Saint* Gregory, *then Biſhop of* Rome; *and how far the People were bound to obey their* Parent *that had begotten them, or he, his* Maſter, *that ſent him and gave him the* Primacy, *I need not diſpute.*

But, theſe things to our purpoſe, are very certain. 1. *That Converſion was* anciently *conceived to be the ground of their* Obedience *to Saint* Gregory, *which Plea is now* deſerted; *and that Saint* Gregory *himſelf abhorred the very Title of* Univerſal Biſhop, *the* only *thing nowinſiſted on.* 2. *'Tis*

2. *'Tis also certain, that the* Addition *of Authority, which the* King's *Silence, Permission or Connivence gave to* Austine, *was more than Saint* Gregory's Grant; *and yet, that* Connivence *of the* new Converted *King, in the Circumstances of so great* Obligation *and* Surprize, (*who might not* know, *or consider, or be willing to exercise his Royal Power,* then, *in the Point*) *could never give away the* Supremacy, *inherent in his* Crown, *from his* Successors *for ever.*

3. *'Tis likewise certain, that neither Saint* Gregory's Grant, *nor that* King's Permission, *did or could obtain* Possession *for the* Pope, *by* Austine, *as the* Primate *of* Canterbury, *over* all *the* Brittish *Churches and Bishops: which were then* many, *and had not the* same *Reason from their* Conversion *by him to own his* Jurisdiction; *but did stifly* reject *all his Arguments and Pretenses for it. King* Ethelbert, *the* only *Christian King at that time, in* England, *had not above the* twentieth *part of* Brittain, *within his Jurisdiction; how then can it be imagined,*

that all the King of England's *Dominions, in* England, and Wales, *and* Scotland, *and* Ireland, *ſhould be concluded within the* Primacy *of* Canterbury, *by Saint* Auguſtine's *poſſeſſion of ſo* ſmall *a part?*

4. *'Tis one thing to* claim, *another to* poſſeſs. *Saint* Auguſtine's Commiſſion *was, to ſubject all* Brittain: *to erect two* Arch-Biſhopricks, and twelve *Biſhopricks, under* each *of them; but what poſſeſſion he got for his* Maſter, *appears in that, after the death of that* Gregory *and* Auſtine, *there were left, but* one Arch-Biſhop *and* two Biſhops, *of the* Roman *Communion, in all* Brittain.

5. *Moreover, the* Succeeding Arch-Biſhops *of* Canterbury, *ſoon after,* diſcontinued *that ſmall* poſſeſſion *of* England *which* Auguſtine *had gotten; acknowledging, they held of the* Crown, *and not of the* Pope; *reſuming the Ancient* Liberties *of the* Engliſh *Church, which before had been, and ought always to be* Independent *on any other; and which of Right returned, upon the Return of their* Chriſtianity: *and accordingly our* Succeeding

ceeding Kings, *with their* Nobles, *and* Commons, *and* Clergy, *upon all occasions, denied the* Papal *Jurisdiction here, as contrary to the King's Natural* Supremacy, *and the* Customs, Liberties, *and* Laws *of this Kingdom.*

And, as Augustine *could not give the* Miter, *so neither could King* John *give the* Crown *of* England *to the Bishop of* Rome. *For* (*as* Math. Paris *relates*) Philip Augustus *answered the* Pope's Legate) no King, no Prince, can Alienate or give away his Kingdom, but by Consent of his Barons (*who, we know,* protested *against King* John's *endeavour of that kind*) bound by Knighs Service to defend the saidKingdom; and in case the Pope shall stand for the contrary Error, his Holiness shall give to Kingdoms a most pernitious Example: so far is one *unwarrantable* act of a *fearful Prince, under great* Temptations, *from laying a firm ground for the* Pope's Prescription; *and 'tis well known, that both the* preceeding *and* succeeding *Kings of* England, *defended the Rights of the* Crown, *and di-*

ſturbed the Pope's poſſeſſion, *upon ſtronger grounds of* Nature, Cuſtom, *and plain* Statutes, *and the very* Conſtitution *of the Kingdom, from time to time, in all the* main Branches *of Supremacy; as, I doubt not, but is made to appear by full and* Authentick Teſtimony *beyond diſpute.*

2. *The* other *great Plea for the* Pope's *Authority in* England, *is that of* Univerſal Paſtorſhip: *now, if this cannot be claimed by any Right, either* Divine, Civil *or* Eccleſiaſtical; *but the contrary be evident; and both, the* Scriptures, Emperors, Fathers *and* Councils, *did not only not* grant, *but* deny *and reject the* Pope's *Supremacy, as an* Uſurpation; *What Reaſon hath this, or any* other *Church to give away their* Liberty, *upon bold and* groundleſs *Claims?*

The pretence of Civil *Right, by the Grant of* Emperors, *they are now aſhamed of, for three Reaſons; 'tis too* ſcant, *and too* mean, *and apparently* groundleſs; *and our diſcourſe of the* Councils, *hath beaten out an unanſwerable Argument againſt the claim by any* other *Right,*

Right, *whether* Eccleſiaſtical *or* Divine: *for all the* General Councils *are found*; *firſt*, *not to make any ſuch* Grant *to the* Pope, *whereby the* Claim, *by Eccleſiaſtical Right*, *is to be maintained*: *but*, *ſecondly*, *they are all found*, *making ſtrict* proviſions *againſt his pretended Authority*; *whereby*, *they*, *and the Catholick Church in them*, *deny his* Divine Right.

'Tis plainly acknowledged by Stapleton *himſelf*, *that*, *before the Council of* Conſtance, non divino ſed humano Jure, & poſitivis Eccleſiæ Decretis, primatum Rom. Pont. niti ſenſerunt, *ſpeaking of the* Fathers; *that is*, *the* Fathers *before that* Council, *thought the* Primacy *of the* Pope, *was not of* Divine Right; *and that it ſtood only upon the* Poſitive Decrees *of the Church*: *and yet he further confeſſeth in the ſame place*, *that the Power of the Pope now contended for* (nullo ſane decreto publico definita eſt) *is not defined by any* Publick Decree, tacito tamen Doctorum Conſenſu.

Now what can remain, *but*, *that which we find him immediately driven to*, viz. *to* reject

the pretence of humane Right by Positive Decrees *of the Church; and to adhere only (as he himself affirmeth, they* generally *now do) to the* Divine Right: Nunc (inquit) autem nemini amplius Catholoco dubium est, prorsus Divino Jure, & quidem illustribus Evangelii Testimoniis hunc Primatum niti.

Thus, how have they intangled themselves! if they pretend a humane *Right, he acknowledgeth, they cannot* find *it, where it ought to be found, in the* Publick Decrees *of the Church: if a* Divine Right, *he confesseth, the* Fathers denied it, *before the Council of* Constance; *and he knows, that Council* condemn'd *it.*

Stapleton *at length affirms, that,* now *no* Catholick doubts, *but the Pope's Primacy is of* Divine Right; *whence the heart of the* Roman Cause *is stabb'd, by these clear and sharp Conclusions.*

1. Concl. *That, all* Catholicks of the present Roman Church, *do,* now *hold, a* New Article, *touching the Pope's* Primacy, *not known to the* Fathers *before the Council of* Con-

Conſtance, An. 1415. *and* condemned *by that Council, as an Error.*

2. Concl. *That, therein, the* Faith *of the* preſent *Roman Church, ſtands counter to the* Faith, Decrees, *and* Practices *of all the* firſt General Councils; *conſiſting of* Fathers *that flouriſhed therein, long before the Council of* Conſtance, i. e. *in their own ſence, the* Ancient Catholick Church.

You will find that the Evidence hereof ariſeth, not only from the Words of Stapleton, *but from the* Decrees *of all the* firſt eight General Councils, *every one of them, one way or other, expreſly declaiming that* Supremacy, *which the* Pope *and his preſent Church would arrogate; and in thoſe* Councils, *all the* Fathers, *and the* Catholick *Church are confeſſedly concluded; and conſequently,* Antiquity, Infallibility, *and* Tradition, *are not to be found at* Rome.

The Sum *is, the Church of* England, *that holds the* true, Ancient, Catholick *Faith; and the* four firſt General *Councils: and hath the Evidence of* four more *in the Point; can-*

not be blamed, for rejecting, *or not* readmitting, *a* Novel *and groundleſs* Uſurpation, *contrary to them* all; *and contrary alſo, to the Profeſſion of the* preſent Roman *Church; that pretends to believe, that the* Faith of the eight firſt general Councils, *is the* Catholick Faith.

Imprimatur,

GUIL. JANE *R. P. D.* HEN. *Epiſc.* LOND. *à Sacris Domeſt.*

Jan. 24. 1678.

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ERRATA.

PAge 6. line 7. for *and the*, read *and though*, p.136. l.13. add, *'tis observed that*, p.137. l.23. blot out *and the abundant*, p.138. l.5. add *of*, before *the grievances*, p.147. l.17. before the word *evacuate*, add *not*, p.164. l.24. for *is*, r. *are*, p.175. l.10. for *his messenger*, r. *the Popes messenger*, p.177. after *Sentence*, add *with the Fathers, was ever taken*, p.205. l.22. after the word *Faith*, add *of the Church*, p.213. l.31. for *they* r. *these Canons*, p.227. l.34. for *Kingdoms*, r. *the Kingdom*, p.235. l.1. for *are*, r. *are not*.

The Printer *to the* Reader.

THe absence of the Author, and his inconvenient distance from *London*, hath occasioned some lesser escapes in the Impression of this Book. The Printer thinks it the best instance of pardon, if his Escapes be not laid upon the Author, and he hopes they are no greater than an ordinary understanding may amend, and a little charity may forgive.

THE

Alij diutius Imperium tenuerunt, nemo tam fortiter reliquit. Tacit. Histor. Lib. 2. c. 47. p. 417.

HONY SOIT QVI MAL Y PENSE
Augustissimi CAROLI Secundi Dei
Gratia ANGLIÆ SCOTIÆ
FRANCIÆ ET HIBERNIÆ REX.
Bona agere & mala pati Regum est
Page 1.

THE

INTRODUCTION.

The Design. The Controversie Contracted into one Point, viz. SCHISM.

THE Church of *England* hath been long possest, both of her self and the true Religion; and counts it no necessary part of that Religion to molest or *censure* any other Church: Yet she cannot be quiet, but is still vext and clamour'd with unwearied outcries of *Heresie* and *Schism* from the Church of *Rome*, provoking her *defence*.

The *Ball* hath been tossed as well by *cunning* as learned Hands, ever since the *Reformation*; and 'tis complained, that by weak and *impertinent* Allegations, tedious *Altercations*, unnecessary *Excursions*, and much *Sophistry*, needlessly *lengthening* and *obscuring* the controversie, it is in danger to be lost.

After so great and so long exercises of the best Champions on *both sides*, 'tis not to be expected, that any great *Advance* should be made on either: Yet how desirable is it, that

at length the true difference were clearly *ſtated*, and the *Arguments* ſtript of their ſaid *Cumber*, and preſented to us in their proper *Evidence*, and the controverſie ſo reduced, that the World might perceive where we are: and doubtful inquirers after Truth and the ſafeſt Religion, might ſatisfie their *Conſciences* and fix their *Practice*.

This is in ſome meaſure the *Ambition* of the preſent *Eſſay*: In order to it, we have obſerved that the *Shop* out of which all the *Arms*, both *Offenſive* and *Defenſive*, on both ſides are fetched, is *Schiſm*; and the whole Controverſie is truly *contracted* into that *one Point*, which will appear, by two things.

1. By the *State* of the allowed Nature of *Schiſm*.

2. By the *Application* of it ſo explain'd.

CHAP. I.

CHAP. I.

The Definition of SCHISM.

SECT. I.

Of the Act of Schiſm.

THat we may lie open to their full *Charge*, we lay the Notion in as great a Latitude, as, I think, our *Adverſaries* themſelves would have it.

Schiſm is a *voluntary diviſion* of a *Chriſtian* Church, in its *external Communion*, without *ſufficient* cauſe.

1. 'Tis a *Diviſion*, διοσχολαι, Diviſions or Rents among you: This *diviſion* of the Church is made either *in* the Church or *from it*; *in* it, as it is a *particular* Church, which the *Apoſtle* blames in the Church of *Corinth*, *c.* 11. Though they *came together*, and did not ſeparate from the external *Communion*, but divided in it and about it. Act. Diviſion in the Church particular.

2. *Diviſion* is made alſo in the Church as *Catholick* or Univerſal, and ſome charge the Church or *Court* of *Rome* (as we ſhall obſerve hereafter) herewith, as the cauſe of many deplorable *Rents* and Convulſions in the bowels of it, and indeed in a true ſence, all that are guilty of *dividing* either *in*, or *from* a *particular* Catholick.

Church (without juſt cauſe) are guilty of *Schiſm* in the *Catholick*, as the *Aggregatum* of all particular Churches.

There is diviſion as well *from*, as *in* the Church, and this is either ſuch as is *improperly* called *Separation*, or *properly*, or more perfectly ſo.

1. Separation *improperly* ſo called, we may term, *Negative*; which is rather a *recuſancy* or a denyal of *Communion*, where it is either *due* or only *claimed* and not due, but was never *actually* given.

2. 'Tis *properly* ſo, where an *actual* ſeparation is made, and *Communion* broken or denyed, where it has *wont* to be paid.

3. Or yet more *perfectly*, when thoſe that thus ſeparate and withdraw their Communion from a Church, joyn themſelves in an oppoſite body, and erect Altar againſt Altar.

SECT. II.

Subject of Schiſm.

Subject.

THus of the *Act* of Schiſm, *Diviſion*: Let us briefly conſider the *Subject* of this diviſion, which is not a *civil* or an *Infidel* Society, but a *Chriſtian* Church. I do not expreſs it a *true* Church; for that is *ſuppoſed*: For if it be a *Chriſtian* Church it muſt be *true*, otherwiſe it is *not* at all.

Some learned of our *own* ſide, diſtinguiſh here of the *truth* of the Church *Phyſically* or meta-

metaphyſically conſidered; or *morally*: and acknowledge the *Roman* Church to be a true Church, or *truly* a Church, as ſome would rather have it, but deny it to be ſuch *morally*: and plead for ſeparation from it only in a *moral* ſence, or as it is not a *true* Church, *i. e.* as it is a *falſe* and corrupt Church, not as it is a *Church*.

But finding this diſtinction to give offence, and perhaps ſome advantage to our Adverſaries, at leaſt for the amuſing and diſturbing the method of diſputation, and being willing to *reduce* the difference as much as I am able, I ſhall not inſiſt upon theſe diſtinctions.

I confeſs (*pace tantorum*) I ſee no danger in, but rather a *neceſſity* of granting the Church of *Rome* to be a true Church even in a *moral* ſence, largely ſpeaking; as *moral* is diſtinguiſhed from *Phyſical* or metaphyſical: and the neceſſity of this conceſſion ariſeth from the granting or allowing her to be a *true* Church in any ſence, or, a Church of *Chriſt*.

For to ſay, that a Chriſtian Church is not a true Church *morally*, yet is ſo *really*, *i. e.* Phyſically or Metaphyſically, ſeems to imply that *it is* a Chriſtian Church, and it is *not* a Chriſtian Church; ſeeing all the *being* of a *Chriſtian* Church depends upon its *truth* in a *moral* ſence, as I conceive is not queſtioned by either ſide.

And when we grant that the Church of *Rome* or any other is a true Chriſtian Church in any ſence, we do mean that ſhe retains ſo much of *Chriſtian truth* in a moral ſence, as is *requiſite* to the truth and being of a Chriſtian Church.

Indeed the very *Eſſence* of a Chriſtian Church

ſeems to be of a *Moral* nature, as is evident in all its cauſes; its *Efficient*, The preaching of the Goſpel under divine Influence is a *Moral* cauſe; the *form*, living in *true faith*, and Religion, is *moral*; its *End* and all its *formal* Actions, in Profeſſion and Communion, are of a *Moral* nature, and the Chriſtians as they are *Men*, are indeed *natural* Beings, yet as they are *Chriſtians*. and the *matter* of the Chriſtian Church, and more, as they are in a *Society*, they fall properly under a *Moral* Conſideration.

But how can a Church be *true* and *not true*, and both in a *Moral* ſence? How can we own the Church of *Rome* as a *true* Church, and yet leave her as a *falſe* Church, and *true* and *falſe* be both taken *Morally*? Very well: And our Learned Men *intend* no other, though they ſpeak it not in theſe *terms*.

For to be *true* and *falſe* in the ſame (*Moral*) *Sence*; doth not imply the being ſo, in the ſame *reſpects*: Thus the Church of *Rome* may be granted to be a *true* Chriſtian Church, with *reſpect* to thoſe *Fundamentals* retained in her Faith and *Profeſſion*, wherein the *being* and truth of ſuch a Church conſiſteth; and yet be, very *falſe*, and juſtly to be *deſerted*, for her groſs *Errors*, in many other points, believed alſo and *profeſſed* by her: as a *Bill* in *Chancery*, may be a *true* Bill for the *ſubſtance* of it and ſo *admitted*, and yet in many things falſely ſuggeſted, it may be *very falſe*, and as to them, be *rejected*.

1. Catholick. 2. The *Church* as the *Subject* of *Schiſm* may be further conſidered as *Catholick*, *i. e.* Abſolute, Formal, Eſſential, and as it lies *ſpread* over all the

the world, but *united* in one common Faith: From this Church the *Donatiſts* and other ancient Hereticks, are ſaid to have ſeparated.

2. As *Particular*, in a greater or leſſer number or part of the *Catholick*: Thus the modern *Separatiſts* forſaking the Church of *England* are ſaid to be *Schiſmaticks*. 2. Particular.

3. In a *Complex* and mixt Sence, as the *particular Roman* Church pretending alſo to be the *Catholick* Church, calls her ſelf *Roman Catholick*, and her *Particular* Biſhop the *univerſal* Paſtor. In which ſence, the Church of *England* is charged with ſeparation from the *Catholick* Church, for denying Communion with the *particular* Church of *Rome*. 3. Mix'd.

SECT. III.

Object of *Schiſm.* 1. *Faith.*

THe third Point is the *Object*, about, and in which, *Separation* is made: Namely, *External Communion*; in thoſe three great Means or *Bonds* of it; *Faith*, *Worſhip* and *Government*: under that Notion, as they are *bonds of Communion*. External Communion.

The firſt is *Faith* or Doctrine: and it muſt be acknowledged, that to renounce the Churches *Faith*, is a very great *Schiſm*: yet, here, we muſt admit two exceptions; it muſt be the *Churches* Faith: that is, ſuch Doctrine, as the Church hath *defined* as *neceſſary* to be believed; if we ſpeak of a *particular* Church: for Faith.

in *other* Points, *both* Authorities allow *Liberty*. Again, though the *Faith* be broken, there is not *Schism* presently or necessarily, except the *external* Communion be also, or thereby disturbed. Heretical Principles *not* declared, are Schism in *Principle*, but not in *Act*: *Hast thou Faith, have it to thy Self.* 'Tis farther agreed, that we may and some times *must* differ with a *particular* Church in *Doctrine*; wherein She departs from the *Catholick* Faith: but here we must take care, not only of Schism, but *Damnation* it self, as *Athanasius* warns us.

Every one should therefore endeavour to satisfie himself in this great Question; *What is Truth?* or the true *Catholick* Faith? To say presently, that it is the Doctrine of the *Roman* Church, is to beg a very great Question, that cannot easily be given. I should think *Athanasius* is more in the right; when he saith, *this is the Catholick Faith, &c.* in my opinion, they must stretch mightily that can believe, that the *Catholick* Faith, without which *no man can be saved*; and therefore, which every man ought to understand, takes in all the Doctrines of the *Council of Trent*.

Till the contrary be made evident; I shall affirm after many great and learned men, that he that believes the *Scriptures* in general, and as they are interpreted by the *Fathers* of the Primitive Church; the three known *Creeds*; and the four first *general Councils*, and knows and declares himself prepared to receive any *further* Truth that he yet knows not, when made appear to be so, from *Reason, Scripture*, or Just *Tradition*, cannot justly be charged with

Schism

Schiſm from the Catholick *Faith.*

Methinks, thoſe that glory in the *Old* Religion, ſhould be of this mind; and indeed, in all reaſon, they ought to be ſo; unleſs they can ſhew an *Older* and better means of knowing the *Catholick Faith*, than this: what is controverted about it, we ſhall find *hereafter* in its due place.

In the mean time, give me leave to Note, that our *more Learned* and Moderate Adverſaries, do acquit ſuch a man or Church, both from *Hereſie* and *Schiſm*; and indeed come a great deal nearer to us, in putting the iſſue of the Controverſie very fairly upon this unqueſtionable Point. *They who firſt Separated themſelves from the Primitive pure Church, and brought in Corruptions, in Faith, Practiſe, Lyturgy, and uſe of Sacraments, may truly be ſaid to have been Heretick, by departing from the pure Faith; and Schiſmaticks, by dividing themſelves from the external Communion of the true uncorrupted Church.* Mr. *Knot in fid. unm. c. 7. ſ. 112. p. 534.*

2. *Object. Worſhip.*

A ſecond band of external Communion is *Publick Worſhip*; in which, *Separation* from the Church, is *notorious.* 2. Worſhip.

But here *(Publick Worſhip)* muſt be underſtood, only *ſo far*, as it is a bond of Communion, and no farther; otherwiſe, there is no *breach* of Communion, though there be *difference* in Worſhip, and conſequently no *Schiſm.*

This will appear more plainly, if we diſtinguiſh of Worſhip in its *Eſſentials* or Subſtantials, and its *Modes*, Circumſtances, Rites and Ceremonies. 'Tis

'Tis well argued by the Biſhop of *Calcedon*, that none may Separate from the *Catholick* Church, (or indeed from any *particular*) in the *Eſſentials* or Subſtantial Parts of Worſhip: for theſe are God's *ordinary* means of conveying his *Grace* for our Salvation; and by theſe, the whole Church is *knit together*, as Chriſt's viſible body for Divine Worſhip.

But, what are theſe Eſſentials of Worſhip? Surely nothing elſe but the *Divine Ordinances*, whether moral or poſitive, as abſtracted from all *particular Modes*, not determined in the Word of God. Such as *Prayer*, the *reading* the Holy *Canon*, interpreting the ſame, and the *Sacraments*: therefore, that Church that worſhips God in *theſe* Eſſentials of Worſhip, cannot be charged, in this particular, with *Schiſm*, or dividing from the *Catholick* Church.

And, as for the *Modes* and particular Rites of Worſhip, until *one* Publick *Liturgy* and *Rubrick* be produced, and proved to be the Rule of the *Catholick* Church, if not impoſed by it, there is *no* ſuch *bond* of Union in the Circumſtantial Worſhip in the Catholick Church; and conſequently, no *Schiſm* in this reſpect.

Much leſs, may one *particular* Church, claim from another (*par in parem non habet imperium*) *exact Communion* in all Rites and Ceremonies, or for want thereof, to cry out preſently, Schiſm, *Schiſm!*

Indeed, our *Roman* Adverſaries do directly and plainly aſſert; that about *Rites* and Ceremonies, the guilt of Schiſm is not concerned; and that particular Churches may differ from one another therein, without *breach* of Communion. Though,

Though, for a *Member* of a particular Church to forſake the Communion of *his own* Church, in the *Eſſentials* of Worſhip, meerly out of *diſlike* of ſome particular innocent Rites, ſeems to deſerve a greater Cenſure.

But the *Roman* Recuſants in *England*, have a greater difficulty upou them, to excuſe their *total* Separation from us, in the *Subſtantials* of our Worſhip (at which they can pretend to take no *offence*; and wherein they held *actual* Communion with us many years together, at the beginning of *Qneen Eliz. Reign*) againſt the Law of *Cohabitation*, obſerved in the *Scripture*, where a *City* and a *Church* were commenſurate, contrary to the *Order* (as one well obſerves) which the *Ancient* Church took for preſerving *Unity*, and excluding *Schiſm*: by no means ſuffering ſuch diſobedience or *diviſion* of the Members of any *National* Church, where that Church did not divide it ſelf from the *Catholick*. And laſtly, contrary to the *Common right* of Government; both of our *Civil* and *Eccleſiaſtical* Rulers, and the Conſcience of Laws, both of *Church* and *State*.

But their pretence is, *Obedience* to the *Pope*; which leads us to conſider the *third* great bond of Communion, *Government*.

3. *Object. Government.*

Thirdly, The laſt bond of Eccleſiaſtical *external* Communion, is that of *Government*; that is, ſo far as it is lawful *in it ſelf*, and exerted in its *Publick Laws*. Government.

This *Government* can have no influence from one

one *National* Church to another, as *such*; because, ſo far they are *equal (par in parem)* but muſt be yielded by all Members of *particular* Churches, whether *National*, *Provincial*, or truly *Patriarchal*, to their *proper* Governours in all *lawful* things, *juridically* required; otherwiſe, the guilt of *Schiſm* is contracted.

But for the *Government* of the *Catholick*, we cannot find it *wholly* in any one *particular* Church, without groſs *Uſurpation*; as is the plain ſence of the Ancient Church: indeed it is partly found in every Church: it was at firſt diffuſed by our *Univerſal Paſtor* and Common Lord, into the hands of all the *Apoſtles*; and, for ought hath yet appeared, ſtill lies abroad among all the *Paſtors* and Biſhops of *particular* Churches, under the *power*, protection and aſſiſtance of *Civil* Authority. Except, when they are *collected* by *juſt* power and legal Rules, into *Synods* or *Councils*; whether *Provincial*, *National* or *General*. here, indeed, reſts the *weight* of the Controverſie, but, I doubt not, it will at laſt be found to make its way, againſt all contradiction from our *Adverſaries*.

In the mean time, we do conclude, while we profeſs and yield all *due obedience* to our *proper Paſtors*, Biſhops and Governours, when there are *no Councils* ſitting; and to all *free Councils*, wherein we are concerned, *lawfully* convened; we cannot be juſtly charged with Schiſm from the *Government* of the *Catholick* Church: though, we ſtiffly deny obedience to a *Forreign* Juriſdiction, and will not rebel againſt the *Government*, that God hath placed *immediatly* over us.

This

This fair reſpect, the Church of *England* holds to the *Communion* both of the *Catholick* and all *particular* Churches; both in *Doctrine*, *Worſhip* and *Government*: and the main *exception* againſt her is, that ſhe denies obedience to a pretended *Power* in the See of *Rome*; a Power, not known, as *now* claimed, to the *Ancient* Church; a Power, when once foreſeen, warned againſt, as *Antichriſtian*, by a *Pope* himſelf; and when uſurped, *condemned* by a *General* Council: And laſtly, *ſuch* a Power, as thoſe that claim it, are not *agreed* about, among themſelves.

But the *charge* of Schiſm falls after another ſort, upon our *Roman* Adverſaries; who have diſturbed *the Univerſal*, and all *particular* Churches by manifeſt *violation* of all the three bonds of external Communion.

The Doctrine and *Faith*, by *adding* to the *Canon* of the Scripture, *Apocriphal* Books; by *adding* to the revealed will of God, *groundleſs* Traditions: by making *new Creeds* without the Conſent of the *preſent*, and againſt the *Doctrine* and *practice* of the *Ancient* Churches: and as for *Worſhip*, how have they not *corrupted* it? by *Subſtraction*, taking away one eſſential part of a Divine Ordinance, the *Cup* from the *Laity*, *&c.* by *additions* infinite, to the Material aud Ceremonial Parts of Worſhip; and by horrid *Alterations* of the pure and *Primitive* Worſhip, to childiſh *Superſtitions*, and ſome ſay, dangerous *Idolatry*.

Laſtly, As to *Government*: they have plainly ſeparated themſelves, both from the *Ancient* and *preſent Catholick* Church, and all other

particular

particular Churches; by uſurping a *Dominion*, condemned by the *Ancient*, and that cannot be owned, without betraying the *Liberty* of the *preſent* Church. By exerting this Uſurpation in unlawful and unreaſonable *Conditions* of Communion; and as it is ſaid, by *Excommunicating* for *Non*-obedience to theſe Impoſitions, not only the Church of *England*, but three Parts of the Chriſtian World: The *proof*, on both ſides, we are to *expect* in due place.

SECT. IV.

The Conditions *of Schiſm. Cauſleſs. Voluntary.*

Condition. THE fourth and laſt thing conſiderable in the *Definition*, is the *Condition*; which adds the guilt and *formality* of Schiſm to *Separation*: which is twofold, it muſt be *Cauſeleſs* and *Voluntary*.

Voluntary. 1. It muſt be *voluntary* Separation, or *denial* of Communion: but of this, I ſhall ſay nothing; a greater man received a check from his *Romiſh* Adverſaries for the proof of it; ſaying, *S. W.* *who knows not that every ſin is voluntary?*

Cauſleſs. 2. It muſt be *cauſleſs*, or as it is uſually expreſſed, without *ſufficient* cauſe: 'tis a Rule generally allowed, that the *Cauſe* makes the *Schiſm*; *i. e.* if the *Church* give cauſe of Separation, *there* is the Schiſm; if not, the cauſe of Schiſm is in the *Separatiſt*; and conſequently, where the *cauſe* is found, there the *charge* of Schiſm reſteth.

I know, 'tis ſaid, that there cannot be *ſufficient* cauſe of Separation from the *true* Church; and, therefore, this Condition is *needleſs*: but, they ever mean (by the *true* Church) the *Catholick* Church.

'Tis granted, the *Catholick* Church cannot be ſuppoſed, to give *ſuch* cauſe; ſhe being the ordinary *Pillar of Truth*, wherein the means of *Salvation* can be only found; therefore, we rarely meet with any *ſuch* condition, in the Definitions of Schiſm, given by the *Fathers* of the *Ancient* Church; becauſe they had to deal with Schiſms of that kind, that ſeparated from the *whole* Church.

But hence to infer, that we cannot have juſt canſe to ſeparate from the Church of *Rome*, will be found bad *Logick*.

However, if we could grant *this* Condition to be *needleſs*, it cannot be denied to be *true*. and the *lawfulneſs* of Separation for *juſt* cauſe, is an *eternal* verity; and if the cauſe be ſuppoſed *juſt*, cannot be ſaid to be *unjuſt*; ſeeing there cannot be ſuppoſed a ſufficient cauſe of *Sin*; the *Act* is *juſtified* while it is *condemned*.

Beſides it is not queſtioned by our *Adverſaries*, but there may be ſufficient cauſe of ſeparation from a *particular* Church; then if at laſt we find, that the Church of *Rome* is *no more*, there is more than reaſon to admit this *Condition* in the *preſent* Controverſie.

But the *Cauſe* muſt not be pretended to *effect*, beyond its influence or *Sufficiency*: Therefore none may be allowed to deny Communion with a Church, *farther* than he hath *cauſe*; for beyond its Activity, that which is ſaid to be a cauſe, is *no* cauſe. Hence

Hence we admit the distinction of *partial* and *total* separation; and that known Rule, that we may not *totally* separate from a *true* Church; and only *so far*, as we cannot communicate *without sin*.

The Reason is evident, because the *truth* and very being of a Christian Church, implieth something wherein every *Christian* Church in the very *Foundation* and being of it, hath an agreement both of Union and *Communion*.

Far be it from us therefore, to deny all *kind* of Communion with any *Christian* Church, yea we franckly and openly declare, that we still retain Communion, out of *fraternal* charity, with the Church of *Rome*, so far as she is a *true* Church: Only *protesting* against her *Usurpations*, and reforming our selves from those *corruptions* of *Faith* and *Worship*, of which *Rome* is too fond and consequently the more guilty.

SECT. V.

The Application *of* Schism. Not to our Church.

IF this *definition* of Schism be not applicable to the Church of *England*, she is *unjustly* charged with the *guilt* of Schism. If the Church of *England* doth not *voluntarily divide in or from the Catholick Church, or any particular Church*, either by *separation from*, or *denying Communion with* it, much *less by setting another Altar against it without sufficient cause*, then the definition of Schism is *not applicable* to the Church of *England*.

But

But ſhe hath not thus *divided*, whether we reſpect the *Act* or the *Cauſe*.

With reſpect to the *Act*, *viz. Diviſion*: We argue, if the Church of *England* be the ſame for *Subſtance* ſince the *Reformation*, that it was before; then by the *Reformation* we have made no ſuch *Diviſion*: for we have divided from *no other* Church *further* than we have from our *own*, as it was *before* the Reformation, as our *Adverſaries* grant: And therefore if we are now the *ſame* Church as to Subſtance that we were before, we hold the ſame *Communion* for ſubſtance, or eſſentials with *every other* Church *now*, that we did *before*. 1. In the Act.

But, for *Subſtance*, we have the ſame *Faith*, the ſame *Worſhip*, the ſame *Government* now, that we had before the *Reformation*, and indeed from our *firſt Converſion* to Chriſtianity.

Indeed, the *Modern* Romaniſts have made *new* Eſſentials in the *Chriſtian Religion*, and determine their *Additions* to be ſuch: But ſo *Weeds* are of the eſſence of a *Garden*, and *Botches* of the eſſence of a *Man*.

We have the ſame *Creed* to a word, and in the ſame *ſence*, by which all the *Primitive Fathers* were ſaved; which they held to be ſo *ſufficient*, that in a *general Council*, they did forbid all perſons (under pain of *depoſition* to *Biſhops* and Clerks, and *Anathematization* to *Lay-men*) to compoſe or obtrude upon any perſons *converted* from *Paganiſm* or *Judaiſm*. *Con. Ept. p. 2. Act. 6. c. 7.*

We retain the ſame *Sacraments* and *Diſcipline*; we derive our *holy Orders* by lineal ſucceſſion from them. It is not we who have forſaken the eſſence of the *Modern* Church by *ſubſtraction*,

or rather *Reformation*, but they of the Church of *Rome*, who have forsaken the essence of the *ancient Roman* Church, by their corrupt *Additions*, as a learned Man observes.

The *plain truth* is this, the Church of *Rome* hath had long and much Reverence in the Church of *England*; and thereby we were by little and little drawn along with her into many gross *errors* and superstitions both in *Faith* and *Worship*; and at last had almost lost our *liberty*, in point of *Government*. But that Church *refusing* to *reform*, and proceeding still *further* to *usurp* upon us, we threw off the *Usurpation* first, and afterwards very deliberately *Reform'd* our selves from all the corruptions that had been growing upon us, and had almost overgrown both our *Faith* and *Worship*: If *this* be to *divide* the Church, we are, indeed, guilty, not else.

But we had *no power* to reform our selves: Here indeed is the main *hinge* of the Controversie; but we have some concessions from our worst and fiercest *Adversaries*, that a *National* Church hath power of *her self*, to reform abuses in lesser matters, provided she alter nothing in the *Faith* and *Sacraments* without the *Pope*: And we have declared before, that we have made no alteration in the *essentials* of Religion.

But we brake our selves off from the *Papal Authority*, and divided our selves from our *lawful* Governors: 'Tis confest the *Papal Authority* we do *renounce*; but not as a *lawful* Power, but a *Tyrannical* Usurpation; and if *that* be *proved*, where is our *Schism*.

But this reminds us of the *second* thing in the De-

Definition of Schism, the *Cause*: For, what interpretation soever be put upon the *Action*, whether *Reformation* or Division and Separation, 'tis not *material*, if it be found we had *sufficient Cause*; and no doubt we had, if we had *reason* from the lapsed state and nature of our Corruptions, to Reform; and if we had sufficient *Authority* without the *Pope*, to reform *our selves*: But we had *both*, as will be evident at last. 2. The Cause.

Both these we undertake for satisfaction to the Catholick Church; but in defence of our own Church against the charge of *Schism* by and from the Church of *Rome*, *one* of them, yea *either* of them, is *sufficient*.

For if the pretended *Authority* of the Church of *Rome* over the Church of *England* be *ill grounded*, how can our Actions fall under their *censure*? Especially seeing the great and almost only matter of their censure, is plainly our *disobedience* to that ill grounded Authority.

Again, however their Claim and Title stand or fall, if we have or had *cause* to deny that Communion which the Church of *Rome* requires, though they have power to accuse us, our *Cause* being *good* will *acquit* us from the *guilt*, and consequently the *charge* of Schism.

Here then we must joyn *Issue*, we deny the pretended *Power* of the Church of *Rome* in *England*, and plead the *justness* of our own *Reformation*, in all the particulars of it.

SECT. VI.

The Charge, *as* laid *by the* Romaniſts.

THis will the better appear by the *indictment* of Schiſm drawn up againſt us, by our Adverſaries; I ſhall receive it as it is expreſſed by *one* of the ſharpeſt *Pens*, and in the fulleſt and cloſeſt manner I have met with, *viz. Card. Perron* againſt Arch-Biſhop *Laud*, thus.

Proteſtants have made this Rent or Schiſm by their obſtinate and pertinacious maintaining erroneneous Doctrines, contrary to the faith of Roman or Catholick Church; by their rejecting the authority of their lawful Eccleſiaſtical Superiors, both immediate and mediate: By aggregating themſelves into a ſeparate Body or company of pretended Chriſtians, independent of any Paſtors at all, that were in lawful and quiet poſſeſſion of Juriſdiction over them; by making themſelves Paſtors and Teachers of others, and adminiſtring Sacraments without Authority given them by any that were lawfully impowered to give it; by inſtituting new Rites and Ceremonies of their own in matters of Religion, contrary to thoſe anciently received throughout all Chriſtendom; by violently excluding and diſpoſſeſſing other Prelates of and from their reſpective Sees, Cures, and Benefices; and intruding themſelves into their places, in every Nation where they could get footing. A *foul* Charge indeed, and the fouler becauſe in many things *falſe*. However, at preſent we have reaſon only to obſerve the *foundation* of all lies

lies, in our *disobedience* and denying Communion with the Church of *Rome*; all the rest either concerns the *grounds*, or *manner*, or *consequences* of that.

Therefore if it appear at last, that the Church of *England* is *independent* on the Church of *Rome*, and oweth her no such *obedience* as she requires; the *Charge* of Schism removes from us and recoyls upon the Church or *Court* of *Rome*, from her unjust *Usurpations* and *Impositions*; and that with the aggrevation of *Sedition* too in all such whether *Prelates* or *Priests*, as then refused to acknowledge and obey the just *Power* and Laws of this Land, or that *continue* in the same disobedience at this day.

SECT. VII.

The *Charge* of Schism *retorted upon the Romanists. The Controversie to two Points.*

IT is well noted by a learned Man, that while the *Papal* Authority is under *Contest*, the question is not barely this, whether the Church of *England* be schismatical or no? (For a *Romanist* may *cheaply* debate that and keep himself *safe*, whatsoever becomes of the *Umpirage*) but indifferently and *equally*, whether *we*, or the *Romanist* be thus guilty, or which is the *Schismatick* that lies under all those severe *Censures* of the *Scriptures* and *Fathers*, the Church of *England* or her *Revolters*, and the *Court* of *Rome*. Dr. *Hammond.*

Till they have better answered to the *Indictment* than yet they have done; we do and shall lay the most horrid Schism at the door of the Church or *Court* of *Rome*: For that they have *voluntarily divided* the *Catholick* Church, both in *Faith*, *Worship*, and *Government*, by their *innovations*; and *excommunicated* and damned, not only the Church of *England*, but as some account, *three parts* of the *Christian* Church, most uncharitably and without all *Authority* or *just* cause, to the *scandal* of the whole world.

But we shall lay the charge more *particularly*, as it is drawn up by *Arch-Bishop Bramhal*. The Church, saith he, or rather the *Court* of *Rome*, are *causally* guilty, both of *this* Schism, and almost all *other* Schisms in the Church. 1. By *usurping* an *higer* place and *power* in the Body Ecclesiastical, than of right is due unto them. 2. By *separating*, both by their *Doctrines* and *Censures*, three parts of the Christian World from their Communion, and as much as in them lies, from the *Communion of Christ*. 3. By *rebelling* against *general Councils*. Lastly, by *breaking* or taking away all the lines of *Apostolical* Succession except their own; and appropriating all *Original Jurisdiction* to themselves: And that which draws *Sedition* and *Rebellion*, as the great aggravation of their *Schism*, they Challenge a *temporal Power* over *Princes*, either *directly* or *indirectly*.

Thus *their* Charge against us, is *Disobedience*; *Our* Charge against them is Usurpation and *abuse* of Power: If we owe no such *Obedience*, or if we have *cause not* to obey; we are *acquitted*: If the *Pope* have both *power* and *reason* of his side;

ſide; we are *guilty*: If he fail in *either*; the whole *weight* of *Schiſm*, with all its dreadful *Conſequences*, remains upon *him* or the *Court* of *Rome*.

The Concluſion.

THus, we ſee, the Controverſie is *broken* into *two* great *points*:

1. Touching the *Papal Authority* in *England*.
2. Touching the *Cauſe* of our denying Communion in *ſome* things, with the Church of *Rome*, required by that *Authority*.

Each of theſe, I deſign to be the matter of a *diſtinct* Treatiſe.

The Sum of this firſt Treatiſe.

This *firſt Book*, therefore, is to try the *Title* betwixt the *Pope* and the Church of *England*: Wherein we ſhall endeavour impartially to examine all the *Pleas* and *Evidences*, produced and urged by *Romaniſts* on their Maſters behalf; aud ſhew how they are *anſwered*: and where there appears greateſt *weight* and ſtreſs of Argument, we ſhall be ſure to give the greateſt *diligence*: Omitting nothing but vnconcluding *impertinencies*, and handling nothing *lightly* but *colours* and ſhadows that will *bear* no other.

Now to our Work.

CHAP. II.

An Examination of the Papal Authority *in* England. *Five* Arguments Propoſed, *and briefly reflected on.*

THis is their *Goliah*; and indeed their whole *Army*: if we rout them here, the day is our own: and we ſhall find nothing more to oppoſe us, but Skirmiſhes of *Wit*, or (when they are at their *Wits end*) *fraud* and *force*; as I am troubled to obſerve, their Uſe hath been.

For if the See of *Rome* hath no juſt *claim* or Title to govern us, we cannot be obliged to *obey* it: and conſequently theſe *two* things ſtand *evident* in the light of the whole world. We are no *Schiſmaticks*, though we deny obedience to the See of *Rome*, ſeeing it cannot juſtly challenge it. *2dly*, Though we were ſo, yet the See of *Rome* hath no power to *cenſure* us, that hath no power to *govern* us. And *hereafter* we ſhall have occaſion further to conclude, that the *Papal Authority*, that hath nothing to do with the Engliſh Church, and yet rigorouſly exacts our obedience, and *cenſures* us for our diſobedience; is highly guilty, both of *Ambition* in its unjuſt claim, and of *Tyranny* in unjuſt *execution* of an uſurped power, as well in her *Commands* as *Cenſures*, which is certainly *Schiſm*, and *aliquid amplius*.

They

They of the Church of *Rome*, do therefore, mightily bestir themselves to make good their *claim*; without which they know, they can never hope either to gain *us*, or secure *themselves*.

I find *five* several *Titles* pretended, though methinks the power of *that* Church should be built but upon *one Rock*.

1. The Pope being the means of our *first Conversion*, as they say, did thereby acquire a *Right* for himself and successors, to *govern* this Church. 1. Conversion.

2. *England* belongs to the Western *Patriarchate*; and the Pope is the *Patriarch* of the West, as they would have it. 2. Patriarch.

3. Others found his Right in *Prescription*, and long continued possession before the *Reformation*. 3. Prescription.

4. Others flee much higher; and derive this power of Government from the *Infallibility* of the Governor: and indeed who would not be led by an *unerring* Guide? 4. Infallibility.

5. But their *strong* hold, to which at last resort is still made; is the Popes *Universal Pastorship*, as *Successor to St. Peter*, and supreme Governor not of *Rome* and *England* only, but of the *whole* Christian *World*. 5. Succession.

Before we enter upon trial of these *severally*, we shall briefly note, that where there are *many* Titles pretended, *Right* is justly suspected, especially if the *Pretences* be *inconsistent*.

1. Now, how can the *Pope*, as the *Western Patriarch*, or as our first *Converter*, pretend to be our Governor; and yet at the same time pretend himself to be *universal* Bishop: These some of our suttlest *Adversaries* know, to imply a *Con-*

contradiction, and to deſtroy one another.

2. At firſt ſight therefore, there is a neceſſity on thoſe that aſſert the *univerſal Paſtorſhip*, to wave the Arguments, either from the Right of *Converſion*, or the Weſtern *Patriarchate*: or if any of them will be ſo bold as to inſiſt on theſe, he may not think the Chair of St. *Peter* ſhall be his *Sanctuary* at a dead lift.

3. Alſo for *Poſſeſſion*; what need that be pleaded, if the *Right* be evident; Poſſeſſion of a *part* if the *Right* be *univerſal*; unleſs by *England*, the *Pope* took *livery* and *Seiſen* for the whole world. Beſides, if this be a good plea, it is as good for us, we have it and have had it time out of mind; if *ours* have not been *quiet*, ſo neither was *theirs* before the *Reformation*.

4. For *Infallibility*, that's but a *Qualification*, no *Commiſſion*: *Fitneſs* ſure gives no *Authority*; nor *deſert*, a *Title*, and that by their *own Law*: otherwiſe they muſt acknowledge the Biſhops of our *Church*, that are known to be as learned and holy as theirs, are as good and *lawful* Biſhops, as any the Church of *Rome* hath.

Thus we ſee where the Burthen will reſt at laſt; and that the *Romaniſts* are forced into one *only* hold: *One* great thing concerns them to make ſure, or *all* is loſt; the whole Controverſie is tied to St. *Peters Chair*, the *Supremacy* of the Pope muſt be maintained, or the *Roman* and *Catholick* are ſevered, as much as the Church of *England* and the Church of *Rome*; and a great *breach* is made indeed, but we are not found the *Schiſmaticks*.

But this is beſide my task: Leſt we ſhould ſeem to endeavour an *eſcape* at any breach, all the

the ſaid *five Pleas* of the *Romaniſts*, ſhall be particularly examined, and the main *Arguments* and *Anſwers* on both ſides faithfully and exactly as I can, produced: And where the Controuerſie *ſticks*, and how it ſtands at this day, noted, as *before* we promiſed.

CHAP.

CHAP. III.

Of the Popes Claim to England *from our Converſion, by* Eleutherius, Gregory.

THis Argument is not preſſed with much confidence in *Print*, though with very much in *Diſcourſe*, to my own knowledge: Perhaps 'tis rather *popular* and plauſible than *invincible*.

Beſides, it ſtands in barr againſt the *Right* of St. *Peter*, which they ſay was good, near *ſix hundred* years before; and extends to very many Churches, that received grace neither by the means of St. *Peter* or his pretender *Succeſſor*; except they plead a right to the *whole* Church firſt, and to a *part* afterwards; or one kind of right to the *whole*, and another to a *part*.

The truth is, if any learned *Romaniſt* ſhall *inſiſt* on this Argument in earneſt, he is ſtrongly ſuſpected, either to deny or queſtion the Right of St. *Peter*'s *Succeſſor*, as *univerſal Paſtor*.

But we leave theſe advantages to give the argument its full liberty; and we ſhall ſoon ſee, either its *Arms* or its *Heels*.

The Argument muſt run thus: If the Biſhop of *Rome* was the means of the *Engliſh* Churches *Converſion*, then the Engliſh Church oweth *obedience* to him and his Succeſſors.

We deny *both* propoſitions: The *Minor*, that the Pope was the means of our firſt *Converſion*:

And

and the *consequence* of the *Major*; that if he had been so, it would not follow that we *now* owe *obedience* to that *See*.

For the *Minor*, Bishop *Jewel* knock'd it down so perfectly at first, it was never able to stand since; he saith it is certain, the Church of *Britain* now called *England*, received not *first* the Faith from *Rome*. We were converted 9 years before *Rome*. *Baron. An.* 35. *n.* 5. & *Marg.* & *An.* 39. *n.* 23. & *Suarez. c.* 1. 1 *Contr. Angl. Eccl. Error.*

The *Romanists* proof, is his *bare* assertion, that *Eleutherius* the *Pope* was the *first Apostle* of the *Britains*, *and preached the Faith here by* Damianus *and* Fugatius *within little more than an hundred years after Christs death*. Bishop *Jewel* answers, that King *Lucius* was baptized near 150 *years* before the Emperor *Constantine*; and the same *Constantine*, the *first Christian* Emperor, was born in this *Island*: and the *Faith* had been planted here long before, either by *Joseph* of *Arimathea*, or *Simon Zelotes*, or the *Greeks*, or some others; which is plain, because the King being Christian before, requested Pope *Eleutherius* to send hither those Persons, *Damianus* and *Fugatius*, to Reform the Bishops and *Clergy*, which were here *before*; and to put things into *better* Order.

They also urged, that, as Pope *Elutherius* in *Britain*; So Saint *Gregory* in *England*, first planted the Faith by *Austin*.

But Bishop *Jewel* at first dashed this Argument out of Countenance; plainly proving out of *Tertullian*, *Origen*, *Athanasius*, *Const.* Emp. *Chrisost. Theod.* that the Faith was planted in *England* long *before Austin*'s coming hither. See his Defence of his Apol. *p.* 11. *An.* 210. *An.* 212. *An.* 334. *An.* 360. *An.* 400. *An.* 367.

Some would reply, that the Faith was utterly

ly rooted out again, upon the Invasion of *Heathen English*: 'twas not so, saith he, for *Beda* saith, that the *Queen* of *England* was *christened*; and that there were then in this Realm Seven *Bishops*, and one *Arch-Bishop*, with other *more great Learned Christian men*: and *Galfridus* saith, there were then in *England*, Seven *Bishopricks*, and one Arch-*Bishoprick*, possessed with very many godly *Prelates*, and many *Abbies* in *which the Lord's People held the Right Religion.*

*Lib.*1.c.26. & *lib.*2.c.2.

*Lib.*82,24.

Yet we gratefully acknowledge that Saint *Gregory* was a special Instrument of God, for the further spreading and *establishing* the Gospel in *England*: and that both *Elutherius* and this *Gregory* seem to have been very good men, and great Examples both of *Piety* and *Charity* to all their Successors in that *See*; and indeed of a truly *Apostolical spirit* and *care*, though not of *Authority*; but if all History deceive us not, that *Austin* the *Monk*, was far enough from being Saint *Augustine*.

The Consequence.

But, what if it had been otherwise; and we were indeed, first *converted* by the means of these *Popes*; will it therefore follow, that we ought *for ever* to be subject to the *Papacy*? This is certainly, a *Non-sequitur*, only fit to be imposed upon easie and prepared Understandings: it can never bear the stress and brunt of a *severe* Disputation; and indeed the *Roman* Adversaries do more than seem to acknowledge as much.

Bramhall.

However, the great Arch-Bishop and *Primate* of *Armach*, hath slurred that silly *Consequence* with such Arguments as find no *answer*.

I refer

I refer the Reader, if need be, to his *Juſt Vindication*, *p.* 131, 132. Where he hath proved beyond diſpute that *Converſion* gives no *Title* of *Juriſdiction*; and more eſpecially to the prejudice of a *former* Owner diſpoſſeſſed by violence; or to the ſubjecting of a free Nation to a *Forreign Prelate* without or beyond their *own conſent*.

Beſides, in more probability, the *Britains* were firſt converted by the *Eaſtern* Church; (as appeared by our Ancient *Cuſtoms*) yet, never were ſubject to any *Eaſtern* Patriarch. And ſundry of our *Engliſh* and Britiſh Biſhops, have converted *Forreign* Nations, yet never pretended thence to any *Juriſdiction* over them.

Laſtly, what ever Title Saint *Gregory* might acquire by his deſerts from us, was meerly *Perſonal*; and could not deſcend to his *Succeſſors*.

But no more of this, for fear of the ſcoffing rebukes of ſuch as *S. W.* who together, with the *Catholick* Gentleman, do plainly renounce *this* Plea; asking Doctor *Hammond* with ſome ſhew of Scorn, *what Catholick Author ever affirmed it?* There is no doubt (though ſome other *Romaniſts* have inſiſted upon this Argument of *Converſion*) ſome reaſon why *theſe* ſhould think fit to lay it aſide; and we have no reaſon to keep it up, having otherwiſe work enough upon our hands. An end therefore of this *firſt Plea*.

CHAP. IV.

CHAP. IV.

Of the Pope's ſuppoſed Claim as Patriarch.

THis Point admits likewiſe of a quick diſpatch, by *four* Propoſitions; and the rather, for a reaſon you will find in the *cloſe* of our Diſcourſe, upon the laſt of them.

PROP. I.

Pope a Patriarch. *The Pope was anciently reputed the Weſtern Patriarch.*

To this Dignity, he proceeded by *degrees*: the *Apoſtles* left no Rule for a *Forreign* juriſdiction from one Nation to another: But according to the 33 *Canon* of the *Apoſtles*, (if they were indeed theirs) it behoved the *Biſhops* of *every Nation* to *know him*, *who is their firſt* (or *Primate*) and to eſteem him as their *Head*.

The *Adventitious* Grandeur which the Ancient *Patriarchs* afterwards obtained, is judged to ariſe three ways: by the *Canons* of the *Fathers*, the Edicts of *Princes*, or Ancient *Cuſtom*.

6. *Nic. c.* 6. Upon the laſt ground, *viz.* of *Cuſtom*, the Council of *Nice* ſetled the Privileges of thoſe three Famous Patriarchal *Sees*, *Rome*, *Alexandria* and *Antioch*: Saying, let Ancient *Cuſtom* prevail; which Cuſtom proceeded from the honour

honour such Churches had, as being *founded* by the Apostles, if not rather from the Eminency of the *Cities*: Therefore the Council of *Calcedon*, gives this as a reason of the greatness of the Sees of *Rome* and *Constantinople*, because they were the Seats of the Emperours.

PROP. II.

The Pope, as Patriarch, had but a limited Jurisdiction. Limited Jurisd.

1. A *Patriarchate*, as such, is limited; especially, if the *Title* restrain it to the *West*: for *East*, *North*, and *South*, are not the *West*, in the *same* respect.

2. It is further evident, from the first *Number* of *Patriarchs*; for, if there were *more* than one of the *same* Dignity and Jurisdiction; they must be therefore, *limited*: for a *Patriarch*, as such, could have no Jurisdiction over a Patriarch, *as such*; for so they were equal; & *par in parem non &c.*

3. But indeed, the *first* time, we hear of *three*, and then of *five* Patriarchs at once; *viz.* of *Rome*, *Constantinople*, *Alexandria*, *Antioch*, and *Hierusalem*: And that these had *all* their Jurisdictions *limited* to them; and no one of them had any thing like a *Universal* Monarchy, is evident, both from *Canons* and *History*; and also by this undeniable Observation; that *several* Parts of the World had their own *Primates independent*, and exempt from all these, in the *height* of their power: as *Africk* at *Carthage*; the rest of *Italy* at *Millain*; *France* at Five Patriarchs.

Arles, or *Lions*; *Germany* at *Vienna*; and *Britain* alſo had the *ſame* priviledge.

C. *Nice.* 4. The ſixth *Canon* of the Council of *Nice*, ſaith thus expreſly: Let Ancient Cuſtom prevail; according to which, *let the Biſhop of* Alexandria *have power over them of* Egypt, Libia, *and* Pentapolis; *becauſe this was likewiſe the Cuſtom for the Biſhop of* Rome; and accordingly in *Antioch*, and other Provinces, *let the priviledges be preſerved to the Churches.*

The *occaſion* of this *Canon* is ſaid to be this: *Miletius* a Biſhop of *Egypt*, ordained Biſhops and others in *Egypt*, without the Conſent of the Biſhop of *Alexandria:* the Caſe heard in the Council, they pronounce ſuch Ordinations *Null*, depoſe *Miletius*, and by this Canon (the more venerable becauſe the *firſt* in ſuch Caſes) confirm the Ancient *Cuſtoms* of *that*, and all other Churches.

Object. The *Romaniſts* object, the Council did not aſſign any *limits* to thoſe Juriſdictions.

Anſw. But 'tis fully anſwered, that the *Council ſuppoſed* ſuch limits, and proceed upon that ſuppoſition, to *allow* of them, and to *enjoyn* the obſervation *of them*; and that is ſo much the more than a preſent limitation, as it is a proof of the *greater Antiquity* of ſuch limitation.

Object. Sure *Bellarmine* was hard put to it, when the words (*becauſe the Roman Biſhop hath ſo accuſtomed*) muſt be forced to ſpeak againſt all *Sence* of Words, and *Scope* of the Matter; thus, *i. e.* ſaith he, the Roman Biſhop *hath ſo accuſtomed* to let the *Alexandrian* Biſhop govern them.

Anſw. The occaſion of the *Canon* we had before; the *Words* themſelves are theſe, ἐπειδὴ καὶ τὰ

ἐν

ἐν τῇ Ῥώμῃ ἐπισκόπῳ τοῦτο σύνηθες ἐστιν. Who but *Bellarmine* seeth not, that (τοῦτο σύνηθες,) imports a *like* Custom in the Church of *Rome*; as the excellent and learned Doctor *Stinlingfleet* observes? The Bishop of *Rome* had such Jurisdiction over the Churches under him; and therefore ought the Bishop of *Alexandria* over the Churches under him: upon this Consideration the *Council* concludes, that *so it should be.*

If it be replied, the *Pope* had limits as a *Metropolitan*, but not as Head of the Church; this grants the thing in present question; that, as a *Patriarch*, the Pope's Jurisdiction was *limited.* What Power he had as *Head* of the Church, shall be examined in its due place.

What Power the *Pope* had anciently in *confirming*, *deposing* and restoring *Patriarchs*, will hardly be found so *Ancient* as the *Council* of *Ephesus*; and indeed, was challenged by him, not as a private *Patriarch*, but as *Head* of the Church; and therefore is to be considered under that Head also.

PROP. III.

The Ancient Patriarchate of Rome *did not include* Brittain. *Brittain excluded.*

But according to *Ruffinus*, (a *Roman*, who lived not long after the Council of *Nice*) it was limited to the *Suburbicary Cities*; *i. e.* a part of *Italy*, and their *Islands*, *Sicily*, *Sardinia* and *Corsica*: much less did it ever pretend to *Brittain*, either by *Custom*, *Canon*, or *Edict* of any of our *Princes.* *Ruffinus.*

Consequently, we say, the *Papal* Power over us, was an after-*encroachment* and usurpation, and a plain violation of the general Council of *Ephesus*.

Par. 2. *Act.* 7. Our Argument is this; the General Council of *Ephesus* declare, that *no Bishop should occupy any Province, which before that Council, and from the Beginning had not been under the Jurisdiction of him or his Predecessors*; and that if any Patriarch usurped any Jurisdiction over a *free Province*, he should quit it; for so it *pleased the holy Synod, that every Province should enjoy its Ancient Rites pure and inviolate.*

But it is evident, the Bishop of *Rome* had no Power in *Brittain*, from the Beginning; nor yet before that general Council; nor for the first *six hundred years* after Christ (as will appear when we speak of the *next claim, viz. Possession.*)

Pope *Boniface.* Now, if the *Pope* had no *Patriarchal* Power in *Brittain before* the six hundredth year of Christ, he could not well have any *since*: for Pope *Boniface*, three years after Saint *Gregorie*'s death, *disclaimed* this Power, by assuring an *Higher Title*: so that had we been willing to admit him our *Patriarch*, contrary to what *Augustine found, time* had been wanting to *settle* his Power, *as such*, in *England.*

From the whole, we conclude, either the Pope is none of our *Patriarch*: or if such; he stands guilty of *Contempt* of a *general* Council, and hath done so, many hundred years; *i. e.* he is no *Patriarch* at all, or a *Schismatical* one.

PROP.

PROP. IV.

To be a Patriarch and Universal Bishop, in the Sence of the Romanist, is inconsistent.

Inconsistent with Head of the Church.

Therefore the *Pope* must let fall his Claim as a *Patriarch*, if he pretend to be *Universal* Bishop: Thus the great Arch-Bishop *Bramhall* reasons *wisely* and *strongly*; but *S.W.* gives no answer to it, only that he argues *weakly* and sillily.

The Lord *Primate* proves the *inconsistency* by Arguments not yet answered: the *Patriarch* (saith he) professeth *Humane*; the *Universal* Pastor, challengeth *Divine* Institution: the one hath a *limited* Jurisdiction over a certain *Province*; the other pretendeth an *Universal* Jurisdiction over the *World*: the one is subject to the *Canons* of the *Fathers*, and a mere *Executor* of them; and can do nothing either against, or besides them; the other challengeth an *absolute* Sovereignty above the Canons, to make, abrogate, suspend them at his pleasure, with a *Non-obstante*, when, where, and to whom he pleaseth.

Therefore, the Claim of this *absolute* Power disclaimeth the *limited*; and the donation and *acceptance* of a *limited* Power, convinceth that there was no such *absolute* Power before: had the Pope been *unlimited* before, by *divine* donation; who can imagine, that he would ever have taken *gradum Simeonis* in this Sence, by stooping so low to receive from the hand of *man*, the narrower dignity of a *Patriarch?* *Just. Vind. p. 282.*

Patriarchs subject to Civil Power.

Besides, it is fully proved by Doctor *Hammond* in his Book of *Schism*, beyond all the little exceptions of the *Romanists*, (as more at large hereafter) that, the See of a *Patriarch* is disposable by the *Civil* Power: and therefore, what ever Power the *Pope* may be thought to have had heretofore in *Brittain*, is now lawfully *otherwise* disposed of by the *Kings* of *England*; as well as evidently rejected by the *Usurpation* of an *higher*, and an higher *kind* of Title, inconsistent with it; and justly *forfeited* many other ways, as will appear hereafter.

But though our Adversaries would seem to say something in favour of this *Title*, they dare not stand to it; as indeed it is not convenient they should, if they would save their *Head* whole. Therefore, after *much a do* to very little purpose, *S. W.* concludes against Doctor *Hammond* thus. Besides, saith he, were all this granted, what is it to *your*, or *our* purpose? Since we accuse you not of Schism, for breaking from the *Pope*'s Subjection, as a Private Patriarch, but as the *chief Pastor* and the Head of the Church.

Schis. diary. p. 157.

So there is an end of their Second Plea.

CHAP. V.

CHAP. V.

The *Third Papal Claim*, viz. Preſcription, *or long Poſſeſſion. Caſe Stated: Their Plea; our Anſwer in three Propoſitions.*

THE true *ſtate* of the caſe here, is this: It cannot be denied but the Church of *England* was heedleſly and *gradually* drawn into Communion with the *Roman* Church, in her *additions*, ſuperinduced upon the ancient *Faith* and *Worſhip*: and likewiſe into ſome *degrees* of ſubjection to *Papal* Jurisdiction. And in this Condition we had *continued* for ſome conſiderable time, before King *Henry* the Eighth; and that bold King (upon what *Motives* is not here material) with the conſent of his three *Eſtates* in *Parliament*, both houſes of the *Convocation*, and both the *Univerſities* of the Land, threw off the *Roman* Yoke, as a manifeſt *Uſurpation*, and a very grievous *oppreſſion*; and recovered the people and Church of *England* to their *ancient* liberties of being governed by their own domeſtick *Rulers*. Afterwards, in the Reigns of *Edward* the Sixth, and Queen *Elizabeth*, and by their proper Authority, we *reformed* our ſelves by throwing off the Roman *Additions* to our Faith and Worſhip.

Caſe ſtated.

ſee Mr Claud in his defence of ye Reformation part 2d. c. 9 p. (mihi) 119, 120. ejusdem.

Had we gone about a Reformation while we acknowledged ſubjection to the See of *Rome*, or indeed, before we had renounced it, there

had been more colour to charge us with *Schism* and disobedience: But now the *proper* question is, first whether the State of *England* did then justly *reject* the Jurisdiction of the *Pope* in *England*; and only consequently, whether we did afterwards lawfully *Reform* without him: The cause of our Reformation belongs to another Argument, which we shall meet hereafter.

The papal *Plea* here, is; the *Popes* Authority was established here by *long Possession*: and therefore if nothing else could be pleaded for it, *Prescription* was a good Title: and therefore it was injurious and *Schismatical*, first to dispossess him, and then to go about to reform without him.

Our Answer is home and plain, in these Three Propositions.

1. *The Church of* England *was never actually under the Popes Jurisdiction, so absolutely as is pretended.*

2. *The Possession which it had obtained here, was not sufficient to create the Pope a good Title.*

3. *Or if it were, yet that Title ceased when he lost his Possession.*

CHAP.

CHAP. VI.

Prop. I.

The Papacy had no Power here, for the first Six Hundred Years. St. Aug. Dionoth.

THE first Proposition is this, that the Church of *England* was not *actually* under the *Papal Jurisdiction*, so absolutely as is pretended; that is, neither *Primarily* nor *Plenarily*.

First not *Primarily*, in that we were free from the Papal Power for the first *Six Hundred Years*. 1. Not Primarily.

This is confirmed beyond all exception, by the entertainment *Augustine* found among the sturdy *Brittains*, when he came to obtrude that *Jurisdiction* upon them: whence 'tis evident, that at *that time*, which was near six hundred years after Christ, the *Pope* had neither *actual* possession of *Government* over, nor of the *belief* of the *Brittains*, that he ought to have it. In Fact or Belief.

The good *Abbot* of *Bangor*, when pressed to submit to the *Roman* Bishop, answered, in the name of the *Brittains*; *That he knew no Obedience due to him, whom they called* the Pope, but the Obedience of *Love*; and adds those full peremptory exclusive words, that *under God, they were to be Governed by the Bishop of* Caerleon: Which the Lord Primate *Bramhall* saith, is a full demonstrative convincing proof, for the whole time, Spel. conc. an. 601.

Vind. p. 84 time, *viz.* the firſt *ſix hundred years.*

But 'tis added, that which follows, ſtrikes the *queſtion dead.* *Auguſtine*, St. *Gregories* Legate, propoſing three things to the *Brittains.*

1. *That they ſhould ſubmit to the Roman Biſhop.*

2. *That they ſhould conform to the Roman Cuſtoms.*

3. Laſtly, *That they ſhould joyn with him in Preaching to the* Saxons.

Hereupon, the *Brittiſh* Clergy aſſembled themſelves together, *Biſhops* and *Prieſts* in two ſeveral Synods one after another; and upon mature *deliberation*, they *rejected all* his propoſitions *Synodically*; and refuſed flatly and *unanimouſly* to have any thing to do with him upon *thoſe terms:* Inſomuch as *Auguſtine* was neceſſitated to *return* over Sea to obtain his own *Conſecration*; and after his return hither, to conſecrate the *Saxon* Biſhops alone; without the aſſiſtance of any other Biſhop. They refuſed indeed to their own coſt: *Twelve hundred innocent Monks* of *Bangor*, ſhortly after, loſt their lives for it. The foundation of the *Papacy* here, was thus laid in *Blood.*

Obj. 'Tis objected; that the ſtory of the *Abbot* of *Bangor* is taken by Sir *H. Spelman*, out of an *old Welch* Author of ſuſpected credit; but all Objections to that purpoſe are removed by my Lord *Primate*, and Dr. *Hammond*: Beſides, we have *other* Authority ſufficient for it, and beyond contradiction.

Bed. li. 2. c. 2. The Story in *Bede* himſelf, as vouched by *T. H.* himſelf, againſt Dr. *Hammond*, puts it beyond all doubt, that the *Abbot* and *Monks* oppoſed *Auſtin*, and would not ſubject themſelves

to

to the Pope of *Rome*, but referred themselves only to their own Governours, which is also the general result of *other* Authors account of this matter; and if the matter of *Fact* be established, 'tis enough to disprove the Popes *Possession* at that time; whether they did well or ill, is not now considered.

Baleus speaking of that *Convention*, saith, *Dinoth* disputed against the Authority of *Rome*: and defended stoutly (*fortiter*) the Jurisdiction of St. *Davids*, in the affairs of his own Churches. In Dinoth.

The same is observed by *Geoffrey* of *Monmouth*, and *Sigebert* and others, for which Dr. *Hammond* refers us to the Collection of the *Anglicane* Councils, and Mr. *Whelocks* Notes on the Saxon *Bede*. p. 115. In an. 602.

And indeed, the Author of the *Appendix* written on purpose to weaken this great instance, confesseth as much; when he concludes *Austin* in the *Right*, from the *miracles* and divine vengeance upon the refusers, continuing *still refractory* to his proposals.

Of the *right* of the cause we now dispute not; and he acknowledgeth, that *Augustine* had not *Possession*; the thing we contend for. However, this instance being of great *moment* in the whole Controversie, let us briefly examine what *T. H.* hath said against it.

T. H. questions the Authority of the *Welch M. S.* Obj. 1.

But the account there, is so perfectly agreeable to the general account given by others (most competent Witnesses) and even *Bede* himself that as we have no *necessity* to insist much upon it; so they have no reason at all to question it. An.

it. Besides if the Reader would more fully satisfie himself, he may see all the exceptions against this by *M. S.* at large answered by Dr. *Hammond* and the *Arch-Bishop Bramhall.*

Obj. 2. But *Bede* concludes, that the *Brittains* ought to have yielded in the points specified, from the *miracle* wrought by *Augustine* upon the *blind man*; and from that divine vengeance, prophetically foretold by *Augustine.*

An. 1. We now know what *tricks* are used to counterfeit *miracles*, in the sight of simple people.

2. We know not, but that miracle might be *said*, but never done, as many in the *Legends* are: And *Bede* might report, from very slight *tradition*, a thing tending to the confirming *his own* Cause.

3. By *Bede*'s own Confession, the miracle did prevail with the *Brittains*, to acknowledge, that the *way* of *Righteousness Augustine* preached, was the true; yet they added, that they could not *renounce* their *ancient Customs*, without the *consent* and license of their *own Superiors*: *i. e.* they thought the miracle confirm'd his *Doctrine*, but not the *Popes Authority* over them: And therefore lastly, at their *second* meeting, they deemed his *Pride* a stronger Argument against him, than his *Miracle* for him.

2. And for that latter Argument from the *Slaughter*, first threatned and then fulfilled: *Bed. Sigisbert.*

An. Sure 'twas no strange thing, that a *proud* man (as *Augustine* appeared to be) should threaten *Revenge*: And a *bloody minded* man, to endeavour to execute it, as is evident he did.

Neither

Neither is it like a *great* miracle, that a vaſt *Army* ſhould firſt overcome *unarmed* Monks; and then *proceed* victoriouſly againſt other oppoſers.

Yet the latter part of the *Story* quite ſpoils the *miracle*; or the *Argument* from it: For when *Edilfred* in the heat of his Rage and Victory, proceeded to deſtroy the *Remainder* of thoſe Monks; the avenger of Blood met him: the *Brittiſh Forces* routed his *Army*, and killed *Ten Thouſand and Sixty of them.*

But the *Concluſion* for my preſent turn, ſtands *firm* however; that, notwithſtanding theſe pretenſions of Miracles, the *Brittiſh rejected the Papacy*, and adhered to their proper Governors, *i. e. the Pope then had not the Poſſeſſion of them.*

I ſhall conclude here, with that ſmart reply of Arch-Biſhop *Bramhall* to *S. W. To demonſtrate evidently how vain all his trifling is againſt the Teſtimony of* Dionothus: *why doth he not anſwer to the corroboratory proof, which I brought out of* Bede *and others, of two Brittiſh Synods, held at the ſame time, wherein all the Brittiſh Clergy did renounce all obedience to the Biſhop of* Rome, *of which all our Hiſtoriographers do bear Witneſs? Why doth he not anſwer this; but paſs it by in ſo great ſilence? He might as well accuſe this of forgery as the other; ſince it is ſo well atteſted, that* Dionothus *was a great Actor and diſputer in that buſineſs.*

SECT.

SECT. I.

That no one Part of Papal Juriſdiction was exerciſed here, for the firſt ſix hundred years; not Ordination: St. Telaus, &c. *till* 1100 *years after Chriſt,* &c. *nor any other.*

Not plenarily.

IF we conſider the *Pope*'s Juriſdiction in its particular *Acts*, we find not ſo much as any *one exerciſed* or *acknowledged* here, during the ſpace of the firſt *ſix hundred* years; but, as far as Hiſtory gives us any account thereof, *all Acts* of Juriſdiction were performed by our *own* Governours.

Not Ordination.

Firſt, had the *Pope* had any Juriſdiction here at all, it would doubtleſs have appeared in the *Ordination* or Conſecration of our *Biſhops*. *Ordinationis Jus cætera Jura ſequuntur*, is a known Rule in Law: but 'tis evident that our own *Primates* were *independent* themſelves, and ordained new Biſhops, and created new Biſhopricks, without *licence* firſt obtained from, or giving any account thereof to the *Pope*. Saint *Telaus* Conſecrated and ordained Biſhops, as he thought fit: he made one *Hiſmael* Biſhop of Saint *Davids*; and in like manner advanced many others of the ſame Order to the ſame degree; ſending them throughout the Country, and dividing the Pariſhes for the beſt accommodation of the Clergy and the People. *Vid. Regl. apud Uſh. prim. Eccleſ. Brit. p.* 56.

Queſt.

But were not our *Primates* themſelves nominated

nated or elected by the *Pope*, and Conſecrated by him or had *licenſe* from him?

The contrary is manifeſt enough: all our Britiſh Arch-Biſhops and *Primates* were nominated and elected by our *Princes*, with *Synods*, and ordained by their own *Suffragans* at home; as *Dubricius*, Saint *David*, *Sampſon*, *&c.* not only in the Reigns of *Aurelius Ambroſius*, and King *Arthur*; but even until the time of *Henry* the Firſt, after the *eleven hundredth* year of Chriſt, as *Giraldus Cambrenſis* ſaith; and always until the firſt Conqueſt of *Wales* they were Conſecrated by the *Arch-Biſhop* of Saint *Davids*; and he was likewiſe Conſecrated by other *Biſhops*, as his *Suffragans*, without profeſſing any manner of *Subjection* to any other Church. *Itinera. Cambr. l. 2. c. 2.* Anſw:

Now is it not fair to expect from our *Adverſaries* one Inſtance, either of a *Biſhop* or Arch-Biſhop, ordained or Conſecrated, during the firſt *ſix hundred years*, by *Papal* Authority in *Brittain* from their *own*, or our *Britiſh* Records? But this Challenge made by Arch-Biſhop *Bramhall* receives no anſwer.

Here the Biſhop of *Calcedon* only offers, that *few or no Records of Britiſh Matters for the firſt ſix hundred years, remain.* Object. R. C.

This is no Anſwer (ſaith the *Primate*) while all the *Roman Regiſters* are extant: yea, ſo extant, that *Platina*, the Pope's Library Keeper, is able out of them, to ſet down *every Ordination*, made by the *Primitive* Biſhops of *Rome*, and the Perſons *Ordained*. Anſw.

He adds, *Let them ſhew what Biſhops they have Ordained for the firſt ſix hundred years:*

I have ſhewed plainly (though he pleaſe to omit it) out of the Liſt of the Biſhops ordained, three by Saint Peter, *eleven by* Linus, *fifteen by* Clement, *ſix by* Anacletus, *five by* Evaraſtus, *five by* Alexander, *and four by* Sixtus. &c. *that there were few enough for the Roman Province; none to ſpare for* Brittain. Vid. Bramh. Tom. 1. Diſc. 3. p. 207.

St. Peter. It is ſaid that Saint *Peter* ordained here; but that was before he had been at *Rome:* therefore not as *Pope* of *Rome.*

Nor any other.

Eluth. 2. *Elutherius* ſent *Fugatius*, &c. but what to do? to *Baptize* King *Lucius:* upon the ſame Errand he ſent *Victor* into *Scotland.*

Pallad. &c. 3. *Palladius* and *Ninian* are inſtances of men ſent to *preach* to the *Picts* and *Scotland*, as Saint *Patrick* into *Ireland:* this was kindly done; but we have not one Syllable of any *Juriſdiction* all this while: beſides it is remarkable, though there be a diſpute about *Palladius* his being ſent; yet, 'tis certain, he was *rejected*, and after died; in whoſe place, Saint *Patrick* ſucceeded, without any *Mandate* from *Rome* that we read of.

Bed. in vit. S. Pat. l. 1.

Object. Legates. *S. W.* *Jeffry* of *Monmouth* ſaith, that *Dubricius* Primate of *Brittain*, was Legate of the *See Apoſt:* and we ſay that *Jeffry* tells many *Fables:* and that it is groſs Credulity to believe him contrary to the *Authentick* Hiſtory, and more undoubted *practiſes* of thoſe Times: we read (ſaith the *Primate*) of many *Legates*; but certainly, they were either no *Papal* Legates; or Papal Legates, in thoſe days, were but *ordinary Meſſengers*, and pretended not to any *Legantine Power*, as it is now underſtood: for we read

ſo

so much as any *one act* of Jurisdiction done by them, and firmly conclude, thence, that there was *none*. Pall.

But *R. C.* saith St. *Sampson* had a *Pall* from *Rome*. Obj.

He had a *Pall*, but tis not proved that he had it from *Rome*; 'tis Certain, Arch-Bishops and *Patriachs* in the Primitive times had *Palls*, which they received not from *Rome*. Sol.

Besides, if he did receive that *Pall* from *Rome*, in all probability it was after the first *six hundred years*: If either, according to *Cambrensis*, he was the *five* and *twentieth* Arch-Bishop after St. *David*, or, according to *Hoveden*, the *four and twentieth*; and then 'tis nothing to our present question. Itin. Cam. p. 1. c. 1. *R. Hoved.* an. 1199.

St. *Gregory* granted to *Austin* the use of the *Pall*, saith *R. C.* the proper badg and sign of *Archiepiscopal* dignity; and gave him liberty to *ordain* twelve Bishops under his jurisdiction, as *Arch. Bishop* of *Canterbury*. Obj. Pall.

This was done at the *end* of the first six hundred years, and therefore not to our present question: However, if the *Pagan* Saxons had destroyed Christianity among the *Brittains*, (as they say) it was very Christianly done of St. *Gregory*, to send *Augustine* to convert and re-establish the Church among them; but none can imagine, that by receiving *Augustine* and his Bishops, they intended to *submit* themselves and Posterity to the *See* of *Rome*, which when pressed before, the *Brittains* so *unanimously* rejected. Sol.

Neither indeed, could they do it to the prejudice of the *ancient Primacy* of the *Brittains*; existing long before, and confirmed in its *inde-*

pendency upon any *foreign* power: For *Bede* himſelf, as well as all our own Hiſtorians, makes it moſt evident, that the *Brittains* had Biſhops long before: We find the ſubſcriptions of *three* of them to the firſt Council of *Arles*; *Eborius* of *York*, *Reſtitutus* of *London*, and *Adelfius de Civitate Coloniæ Lond.* and from the preſence of ſome of them at the *Sardican* Synod, and the Council of *Ariminum*; as appears by *Athanaſius* and others; and that they had alſo an *Arch-Biſhop* or Primate, whoſe ancient ſeat had been at *Caerleon*; who *rejected* the *Papacy*; then poſſeſſing and defending the *priviledge* of their freedom from any *foreign* Jurisdiction.

This their priviledge was ſecured to them, both by the *Nicene*, *Calcedonian*, and *Epheſian* Councils. Contrary to theſe Councils, if the *Pope* did intend to give *Auguſtine* the *primacy* over the *Brittains*, it was a plain *uſurpation*. Certainly the priviledges of the *Brittannick* Church returned with its Chriſtianity; neither could *Gregory* diſpoſe of them to *Auſtin*, or he to *Gregory*.

Beſides Laſtly, 'tis not poſſible any ſober man can imagine, that that humble and holy *Pope*, St. *Gregory*, who ſo much deteſted, if in earneſt, the very Title of *Univerſal* Biſhop, ſhould actually invade the priviledge of the *Brittains*, and hazard his own Salvation in his own Judgment, when he ſo charitably deſigned the Converſion of *England* by ſending *Auſtin* hither.

If in earneſt.

Obj. *T. C.* ſaith, it appears that *Brittain* was anciently ſubject to the See of *Rome*: For *Wilfred*, Arch-Biſhop of *York*, appealed to *Rome* twice; and was twice *reſtored* to his Biſhoprick. *An.* 673.

Wilfred.

We

We see when *this* was done: *Seventy and three* years after the first six hundred. Sol. An. 673.

He appealed indeed, but was still *rejected*; notwithstanding the *sentence* of *Rome* in his favour, for *six years* together, during the Reigns of King *Egbert* and *Alfrid* his Son; so far is this instance, from being a proof of the *Popes possession* here at that time: Yet this is the most *famous*, saith my Lord *Bramhall*, I had almost said, the *only* Appellant from *England* to *Rome*, we read of before the *Conquest*.

Moreover, the Answer of King *Alfred* to the *Popes Nuncio*, sent hither by the Pope on purpose, is very remarkable: He told him, *he honoured them as his Parents for their grave lives and honourable Aspects; but he could not give any assent to their Legation because it was against reason, that a Person twice Condemned by the whole Council of the English, should be restored upon the Popes Letter.* *Alfred.* spel. conc. an. 705.

At this time it is apparent, neither the Kings of *England*, nor the *Councils* of *English* Churchmen (as my Lord *Bramhall* expresseth it, *two* Kings successively, and the great *Councils* of the *Kingdom*, and the other Arch-Bishop *Theodore*, with all the prime Ecclesiasticks, and the *Flower* of the *English* Clergy, opposing so many Sentences and Messages from *Rome*) did believe, that *England* was under the Jurisdiction of *Rome*, or ought to be so.

Yea, the King and the *Church*, after *Alfred's* death, still made good this Conclusion; that it was *against Reason, that a person twice condemned by the whole Council of the English, should be restored upon the Popes Bull.* After *Alfred.*

Malmsbury would suggest, that the *King* and

the *Arch-Biſhop Theodore*, were ſmitten with remorſe before their deaths, for the injury done to *Wilfred*, &c. But not the *King* only, but the whole *Council*; not *Theodore* alone, but the whole *Clergy* oppoſed the *Popes* Letter: which is enough both to render the dream of *Malmſbury*, a ridiculous Fable; and for ever to confirm this truth, that *England* was not then, *viz.* in the *ſix hundred ſeventy and third Year* of *Chriſt*, under the Jurisdiction of the *Pope*, either *actually* or in the *belief* of the Church or Kingdom of *England*.

The Latter, *viz.* the non-poſſeſſion of our *belief* of the Popes univerſal Juriſdiction, (which is ſo much inſiſted upon by the *Romaniſts*) will yet more evidently appear, by that which followeth.

SECT. II.

No Poſſeſſion of our Belief, ancient.

Not in *England.*

WE have found the *Brittains*, by the good *Abbot*, and two ſeveral *Synods*; we have found the *State* of *England* in three ſucceſſive *Kings*, their great *Councils* and body of the *Clergy*, refuſed to yield *Obedience* both to the Popes Perſuaſions, Injunctions, Sentences, and Legates: Therefore it ſeems impoſſible that *Brittain* or *England* ſhould then believe either the *Popes Infallibility*, or their *obligation* to his Jurisdiction; or that there was any ſuch thing as the *Tradition* of either delivered to them by their

their *Anceſtors* or believed among them.

Indeed, by this one Argument, thoſe four great *Characters* of the Papacy are deleted and blotted out for ever, *viz. Poſſeſſion, Tradition, Infallibility*, and *Antiquity*.

I ſhall add the *practice* and *belief* of *Scotland* too; that other great part of our *Kings* dominions: When the Popes *Legate*, more than *twice* ſix hundred years after Chriſt, *viz.* about 1238. entred *Scotland*, to viſit the Churches there; *Alexander* the ſecond, then King of the *Scots*, forbad him ſo to do. Alledging, That none of his Predeceſſors had ever *admitted any ſuch, neither would he ſuffer it*: And therefore willed him at his own *Peril* to forbear. Hence 'tis evident, there was neither *Tradition* nor *Belief*, either of the Popes ancient and *neceſſary* Government, and therefore not of his *Infallibility*; much leſs that anciently and *from the beginning*, the Pope had exerciſed his Jurisdiction more in *Scotland* than in *England*. We have that Kings word for it, *None of his Predeceſſors had ever admitted any ſuch.*

Nor in *Scotland.*

Math. Par. in H. 3. an. 1238.

SECT. III.

In Canons, Apoſt: Nice, Milev, *&c. This Belief could have no Ground.* Sardia.

Vid.c.20. WHat could poſſibly ſway the firſt Ages to ſuch a *belief* of the *Popes univerſal Juriſdiction?* Certainly nothing from the *Councils*; nor the *practice* of the Church in other places, nor indeed the declared Judgment of the Pope himſelf, nor the words of the *Laws.*

Not Councils. 1. Nothing to be found in the *Canons* of the Ancient *Councils* could invite to ſuch *belief.* In

Apoſtles. the *Apoſtles Canons*, we find the quite contrary; πρῶτος, the firſt or *primate* among the Biſhops of *every Nation ſhall be accounted* ὡς κεφαλὴ, as their *Head*; and that every one of thoſe *Primates* ſhall ἐκεῖνα μονὰ πράττειν do thoſe things only which belong to his *Province* and the Regions under it; and in purſuance of thoſe *Ca-*

Nic. *nons*, the firſt *Nicene* Council decreed τῶν ὑφ ἑτέρων, *&c.* that they that are *caſt out* by *ſome*, ſhall not be received by *other Biſhops*, and that this muſt be obſerved by the Biſhops through *every Province*; and in further Harmony the

Mileve. *Milevetan* Council prohibits all *appeal* from their own Biſhops, but to the *African* Councils and *Primates* of their own *Provinces*; and that they which ſhall *appeal* to any *Foreign*, whether Biſhop or *Council* ſhall not be received into Communion with any in *Africk.* And laſtly, the *Practice* of all this is viſible in the very *Synodical* Epiſtle

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of the *African* Council to Pope *Celeſtine*, where they beſeech him for the future, *that he will receive none ſuch, becauſe he may eaſily find it defined in the Council of* Nice. Theſe *Canons* are all in the Roman *Codex*, and cannot be pretended to be invalid; neither can they poſſibly oblige any man to *believe* that the Pope had *univerſal* Juriſdiction as is now pretended. Vid. v. Dr. Ham. at larg. diſpar. diſp. 397 398, 399, &c.

Moreover, as Dr. *Hammond* Notes, to ſome of theſe *Canons* the Pope himſelf makes *Oath*, that he will *inviolably obſerve* them (ſee *Corp. Juris can. decret. part.* 1. *diſt.* 16. *c.* 8.) and from that *Oath*, of the *Pope*, our *Biſhops* made this very concluſion, that *the Popes that Exerciſed a primacy over any other Biſhops but thoſe of their own province in Italy, transgreſſ'd their own profeſſion made in their Creation:* as further appears by the *inſtitution of a Chriſtian man* in the year 1538. Diſp. diſp. p. 178. Pope ſwears to the Canons.

But more largly of this in the laſt Chapters.

Therefore, the *Brittains* could not *believe* that they then owed Subjection to the *papacy*, but they muſt charge the writers of the *Apoſtolick* Cannons (whether by Apoſtles or Apoſtolical men) and the *Councills*, for enacting *Sacrilegious* decrees; and the *Pope* alſo for ſwearing the *Inviolable* obſervation of them.

Theſe things are *plain*, and S. W. by pretending in general, that *Words* admit of *Various* interpretations, without applying his Rule to the Caſe; gives but too juſt occaſion to Dr. *Hammond* to expoſe him as he doth. See *diſp. diſp. p.* 181 182 183 184.

Eadmer ſpeaks plain and home too; it was *inauditum in* Britannia, *quemlibet hominum ſuper ſe vices Apoſtolicas gerere, niſi ſolum Archie-* p. 58. 43.

piſcopum Cantuariæ. it was a thing *unheard* of, no *practice* of it, no *Tradition* for it; therefore no ſuch thing Could be *believ'd*, that any other (not the *Pope* himſelf) did Apoſtolically Govern the affairs of *Brittaine*, but only the Arch-Biſhop of *Canterbury*.

SECT. 4.

Conc. Sard. Calced. Conſtantinop.

Vid. Cap. 20. Sect. 9.

IT may be ſaid, the *Brittains* might hear of the Canon of the Council of *Sardica*;

Sardica. where it was decreed that *Biſhops grieved, might appeal* to *the Biſhop of Rome.*

Sol. The words of the *Council* are theſe, εἰ δὲ ἄ-ρατις, &c. In Caſe any *Biſhop* thought himſelf unjuſtly Condemned; if it ſeem good to you, *let us honour the Memory of Peter the* Apoſtle; *that it be written by thoſe who have Judged the Cauſe* to *Julius the Biſhop of Rome*; and if *it ſeem good, let the judgment be renew'd, and let them appoint ſuch as may take Cognizance of of it.* hereupon tis plain

1 Theſe *Fathers* did not acknowledge the *Popes Supremacy*, who thus laid it at the *feet*, and pleaſure of others, (*if it ſeem good to you*)

2. Here is no *peremptory Order*, neither, and it might not Seem good to *Civil Princes*, to ſuffer ſuch *Appeals.*

3. No *abſolute appeal* it ſeems was intended: but only the Biſhop of *Rome* might review the Caſe: and how much a *review* differs from *Appeal*; and that nothing but power to revew is

More of *Conc. Sar.* hereafter.

here

here given to the Biſhop of *Rome*, are both fully manifeſted by the Arch-Biſhop of *Paris*, *Petr. de Marc. de Concord. l. 7. c. 3. ſect. 6, 7. &c.*

4. The *Decree* (ſuch as it is) is not grounded upon any *prior right*, from *Scripture*, *tradition*, or *poſſeſſion*, or any *former Council*; hath no other Argument but the *honour of Saint* Peter; and that not in his *Authority*, but his *Memory*; who firſt ſat in that *See*, where *Julius* was now Biſhop: but we may have leave to ask, where was the *Supremacy* of the Church of *Rome before?* or how ſhould the *Brittains* dream of it before? or why did not theſe *Canons* take notice of the undoubted Canon of *Nice* to the contrary, made two and twenty years before, either to *null* or *explain* it?

But that theſe *Sardic Canons*, neither *eſtabliſhed* the Pope's *Supremacy*; nor were acknowledged to bind the Church afterwards; nor could be accounted an *Appendix* to the *Council* of *Nice*; and what weakneſs and *falſneſs* has been practiſed upon this Argument, is ſo largly, ingenuouſly and ſatisfactorily manifeſted by Doctor *Sillingfleet*, that I ſhall for his fuller ſatisfaction refer the Reader to him, in his *Rationacc. p. 419, 420, 421. &c.*

It is ſtrongly argued in the laſt reaſonings of my Lord *Bramhall*, that after the *Eaſtern* Biſhops were departed, this Council of *Sardica* was no *general* Council; becauſe the preſence of *five* great *Patriarchs* were ever held neceſſary to the being of a *general* Council; as *Bellarmine* confeſſeth *de Conc. Li. c.* 17.

If this *Council* had been *general*: Why do Saint *Gregory*, *Iſiodore*, and *Bede*, leave it out of the

the *Number* of general *Councils*? Why did Saint *Austine*, *Alipius* and the *African* Fathers, slight it? and which is more, why doth the *Eastern* Church not reckon it among their *Seven*; nor the *Western* Church among their *Eight first general Councils?* Why did the *English* Church omit it in their Number in the *Synod* of *Hedifeld* in the year 680. and embrace only unto this day the Council of *Nice*, the first of *Constantinople*, the first of *Ephesus*, and the first and second of *Calcedon?*

Apud Spel. An. 680. l. 169.

The *five* first *general* Councils were therefore incorporated into our *English Laws*; but this *Council* of *Sardica* never was: Therefore contrary to this *Canon* of *Appeal*, 'tis the Fundamental *Law of England*, in that Famous Memorial of *Clarendon*: All *Appeals in England* must proceed *Regularly from the Arch-Deacon* to the Bishop, *from the Bishop* to the Arch-Bishop, and if the Arch-Bishop *failed to do justice, the last Complaint must* be to the *King* to give *Order* for redress.

P. 2. ac. 14. c. 9.

'Tis evident, the great Council of *Calcedon* contradicted this *Canon* for Appeals to *Rome*: where Appeals from the *Arch-Bishop* are directed to be made to every *Primate*, or the Holy See of *Constantinople*, as well as *Rome*: from which Evidence, we have nothing but silly Evasions, as that Primate truly observs, *v. Sch. guarded p.* 374.

Calcedon.

Besides, if our *Fore-fathers* had heard of the *Canons* of the *Councils* truly *general*, (as no doubt they had) how could they possibly *believe* the unlimited Jurisdiction of *Rome*, the Council of *Calcedon* is not denied to give *equal* privi-

Priviledges to the Patriarch of *Constantinople*, with the Patriarch of *Rome*. And the Council of *Constantinople* conclude thus: for the (*Nicene*) *Fathers did justly give Priviledges to the See of old* Rome, *because it was the Imperial City*; *and the* 150 *godly Bishops moved with the same consideration, did give equal Priviledges to the See of new* Rome; *that that City which was the Seat of the Empire and Senate should enjoy equal Priviledges with the Ancient Imperial City of* Rome; *and be extolled and magnified in Ecclesiastical Affaires as well as it, being the Second in order from it*: and in the last Sentence of the *Judges* upon Review of the Cause: the Arch-Bishop of the *Imperial* City of *Const.* or new *Rome*, must enjoy the *same Priviledges* of Honour; and have the same *Power out of his own Authority*, to ordain *Metropolitans* in the *Asiatick*, *Pontick*, and *Thracian Dioceses*. *Of Constantinople.*

Are these the Words of a *General Council?* could these *Fathers* imagine the *Pope* at that time *Monarch* of the whole Church? or could this be acknowledged by *England* at *first*, and they yet give up their *Faith* to the *Pope*'s Universal Power? Can these things consist? Yea, is there not something in all the *Councils* allowed by the Ancient *Brittains*, and the Ancient *English* Church, sufficient to induce a *Faith* quite *contrary* to the *Roman* Pretensions?

But as to this *Canon* of *Constantinople*, *S. W.* quits his hands; roundly telling us, that it was no *free Act*, but voted *Tumultuously*, after most of the *Fathers* were departed. Object.

S. W. had been *safer*, if he had been *wiser*: for that which he saith, is altogether *false*; Sol.

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and beſides ſuch a cluſter of *Forgeries*, as deſerves the Whet-ſtone to purpoſe; as my Lord *Bramhall* manifeſts againſt him, *Sch. guard. P. 1. c. 4.*

1. Falſe: the Act was made before the *Biſhops* had *licenſe* to depart; it had a *Second* Hearing; and was debated by the *Pope*'s own *Legates* on his behalfe, before the moſt glorious *Judges*; and maturely Sentenced by them in the *Name* of the *Council*. This was one of thoſe four *Councils*, which Saint *Gregory* honoured next to the four *Goſpels*. This is one of thoſe very *Councils*, which every ſucceeding *Pope* doth ſwear to obſerve to the leaſt tittle.

2. For his *Forgeries* about it, he is ſufficiently ſhamed by the *Primate* in the place cited: 'tis pity ſuch *ſhifts* ſhould be uſed; and 'tis folly to uſe them; when the *Truth* appears, what remains, but, both the *Perſon* and the *Cauſe* reproach'd.

See more of the Councils at the latter end.

SECT. V.

Arabic *Canons forged*; *no Canons of the Council of* Nice.

Object. YEt 'tis a Marvellous thing, that the *Romaniſt* ſhould dare to impoſe upon ſo great and learned a *Primate*, as the late *Arch-Biſhop Laud*; that by *the third Canon of the Council of* Nice, *the Patriarch is in the ſame manner over all thoſe*

thoſe that are under his Authority; as he who holds the See of Rome *is Head, and Prince of the Patriachs, reſembling Saint* Peter, *and his Equal in Authority.*

When 'tis moſt evident to the meaneſt capacity, that will ſearch into it; that, *that* is no *Canon* of the true Council of *Nice*; and that in ſtead of the *third*, it is the *thirty ninth* of the *ſuppoſititious* and forged Canons; as they are ſet forth in the *Arabick* Editions, both by *Piſanus* and *Turrianus*. Anſw.

In theſe *Editions* there are no leſs than *eighty Canons* pretended to be *Nicene*; whereas the *Nicene* Council never paſſed above *twenty*: as is evident from ſuch as ſhould know beſt, the *Greek* Authors; who all reckon but twenty *Canons* of that *Council*. Such as *Theodoret*, *Nicephorus Caliſtus*, *Gelaſius Cricenus*, *Alphonſus Piſanus*, and *Binnius* himſelf confeſſeth that all the Greeks ſay there were no more but *twenty Canons*, then determined. *Hiſt. Eccl. l. 1. c. 7.* *Eccl. Hiſt. l. 8. c. 19.* *Act. Conc. Nic. lib. 2.*

Yea, the *Latins* themſelves allowed *no more*: for although *Ruffinus* make twenty two, 'tis by ſplitting of two into four.

And in that *Epitome* of the Canons, which *Pope Hadrian* ſent to *Charles* the *Great*, for the Government of the *Weſtern* Churches, *Anno* 773. the *ſame* Number appears: and in *Hincmarus*'s *M. S.* the ſame is proved, from the Teſtimonies of the *Tripartite* Hiſtory, *Ruffinus*, the *Carthaginian* Council, the Epiſtles of *Ciril* of *Alex.* *Atticus* of *Conſtant.* and the twelfth Action of the *Council of Calcedon*: and if we may believe a *Pope*, *viz. Stephen*, in *Gratian*, ſaith, the *Roman* Church did allow of no more than twenty. *Gra. diſ. 16. c. 20.*

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The truth is put beyond all question, lastly, both by the proceedings of the *African Fathers*, in the case of *Zosimus* about the *Nicene* Canons, when an *early* and diligent search made it evident; and also by the *Codex Canonum. Eccl. Afric. p.* 58. where it is expressly said, there was but twenty Canons.

P. 353.

P. 391, 392 But this matter is more than clear, by the elaborate pains of Dr. *Still.* defence of the late *Arch-Bishop Laud*, to whom, I must refer my *Reader*.

Obj. Yet *Bellarmine* and *Binius* would prove there were more than twenty.

Sol. But their *proofs* depend either upon things, *as suppositions*, as the *Arabick* Canons themselves; such as the *Epistles* of *Julius* and *Athanasius ad Marcum*: or else they only prove, that some *other* things were determined by that Council, *viz.* Concerning *Rebaptization*, and the *keeping* of *Easter*, *&c.* which indeed might be *Acts* of the Council, without putting them into the *Canons*; as *Baronius* himself confesseth, and leaves the patronage of them, and *Spondanus*, in his contraction of *Baronius*, relates it as his positive *Opinion*, that he rejected all but twenty, whether *Arabick* or other, as spurious.

Ad an. 325. P. 108.

Ad an. 325. n. 42.

So that it will bear no further contest, but we may safely conclude, the *Arabick Canons*, and consequently this of the *Popes Authority*, is a mere *Forgery* of later times; there being no *evidence* at all, that they were known to the Church in all the time of the *four* first *general* Councils.

Vid. c. 20.

SECT.

SECT. VI.

Practice interpreted the Canons *to the ſame Sence againſt the Pope: Diſpoſing of Patriarchs.* Cyprian. Aug.

VVE have found nothing in the Canons of the ancient *Councils* that might give *occaſion* to the *belief* of the Popes Juriſdiction in *England*, in the *Primitive* Ages of the Church; but indeed, very much to the contrary: But the Romaniſt affirms againſt my Lord of *Canterbury*, that the *Practice of the Church is always the beſt Expoſitor and Aſſertor of the* Canons. We are now to examine, whether the ancient *practice* of the Church was ſufficient to perſuade a *belief* of the Popes Juriſdiction as is pretended. In the mean time not doubting, but that it is a thing moſt evident; that the Pope hath *practiſed* contrary to the *Canons*; and the *Canons* have *declared*, and indeed been *practiſed* againſt the Pope.

But what *Catholick Practice* is found on Record, that can be ſuppoſed a ſufficient ground of this *Faith*, either in *England* or any part of *Chriſtendom*? Certainly not of *Ordinations* or *Appeals*, or *Viſitations*. Yea, can it be imagined, that our *Engliſh* Anceſtors, had not heard of the *practice* of the *Brittains* in maintaining their *liberty* when it was aſſaulted by *Auſtin*; and rejecting his demands of *Subjection* to the See of *Rome*? No doubt they had heard of the *Cyprian Priviledge*; and how it was inſiſted on in barr

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of the *universal* Pastorship, by their friends the *Eastern* Church: from whom, they in likelihood received the *Faith*; and with whom they were found at first in *Communion*, about the observation of *Easter* and *Baptism*; and in *practice*, divers from the Church of *Rome*.

Obj. But one great point of practice is here pitcht upon by *Baronius*; and after him by *T. C.* It is the Popes *Confirmation* of the Election, *deposing* and *restoring* of *Patriarchs*: which they say he did, as *Head* and Prince of all the *Patriarchs*, and consequently of the whole Church.

Sol. But where hath he done these strange feats? Certainly not in *England*: And we shall find the *instances* not *many* nor very *early*, any where else. But to each Branch.

Confirm. Patriarchs. 1. 'Tis urged, that the Popes *Confirmation* is required to all new elected *Patriarchs*.

Dr. *Still.* Admit it, but the Arch-Bishop of *Paris*, *Petrus de Marca*, fully answers *Baronius* (and indeed every body else) that this was no token of *Jurisdiction*; but only of receiving into *Communion*; and as a Testimony of *Consent* to the Consecration. If any force be in this Argument, then the Bishop of *Carthage* had power over the Bishop of *Rome*; because he and other *African* Bishops, Confirm'd the Bishop of *Rome*'s Ordination.

De conc. l. 6. c. 5. s. 2.

Cypr. Ep. 52. p. 75.

Baronius insists much upon the Confirmation of *Anatolius* by *Leo* I. which very instance answers it self. *Leo* himself tells us, that it was to manifest, that there was but *one* entire *Communion* among them throughout the World.

Ep. 38.

Yet it is not to be omitted, that the practice of the Church supposeth that the *Validity* of the

the *Patriarchs Consecration*, depended not upon the *Confirmation*, or indeed, *Consent* of the *Pope* of Rome. Yea though he did *deny* his Comunicatory letters, that did not hinder them from the *Execution* of their Office. Therefore *Flavianus* the *Patriarch* of Antioch; though opposed by three *Roman* Bishops, successively, who used all importunity with the *Emperor*, that he might be displaced; yet because the Churches of the *Orient*, did approve of him and Communicate with him, he was allowed; and their consent stood against the Bishops of *Rome*. At last, the Bishop of *Rome*, severely rebuked for his *Pride* by the *Emperor*, yielded; and his Consent was given *only* by renewing *Communion* with him. But where was the Popes power, either to *make*, or make *void* a *Patriarch*, while this was in Practice? Consec. depends not on Confirmation.

2. Doth *Practice* better prove the Popes power, to *depose* unworthy *Patriarchs*? The contrary is evident; for both before and after the Council of *Nice*; according to that *Council*, the *practice* of the Church placed the power of *deposing Patriarchs*, in *Provincial* Councils; and the Pope had it not, till the Council of *Sardica* decreed in the case of *Athanasius*, as *P. de Marca* abundantly proves: *Vid. de Concord. l. 7. c. 1. Sect. 6.* Also, that the Council of *Sardica* it self, did not (as is commonly said) decree *Appeals* to *Rome*; but only gave the Bishop of *Rome* power to review their Actions; but still reserving to *Provincial* Councils, that Authority which the *Nicene* Council had established them in. Deposing Patriarchs.

But *T. C.* urgeth, that we read of no less than Obj.

eight several *Patriarchs* of *Constantinople* deposed by the Bishop of *Rome*.

Sol. Where doth he read it? In an Epistle of Pope *Nicolaus* to the *Emperor Michael*. Well chosen saith Doctor *Still.* a *Popes Testimony* in his own *Cause*. And such a one, as was then in Controversie with the *Patriarch* of *Constantinople*, and so late too, as the *Ninth Century* is: when his power was much *grown* from the *Infancy* of it.

Yet, for all this, *this Pope* on such an occasion, and at *that* time, did not say, that the *Patriarchs* mention'd by him, were depos'd by the Popes *sole* Authority, but *not Ejected* (*Sine Consensu Romani Pontificis.*) without his Consent: and his design was, only to shew that *Ignatius* the *Patriarch*, ought not to have been deposed without his *Consent v. Nic.* 1. 8. *Mich. Imp. Tom.* 6. *Con. p.* 506.

Obj. Did not *Sixtus* the third depose *Policronius* Bishop of *Jerusalem?*

Sol. No. He only sent eight Persons from a Synod at *Rome* to *Jerusalem*; who offered not, by the *Popes* Authority, to depose him, as should have have been proved: but by their means seventy *Neighbour Bishops*, were Called; by whom, he was *deposed*: besides *Binius* himself, *Tom. 2. Con. p.* 685. Condemns those very *acts*, that report this story, for *Spurious*.

Restoring Patriarchs. 3. But have we any better proof of the *Popes* power, to *restore* such as were deposed?

The only Instance in this Case, brought by T. C. is of *Athanasius* and *Paulus*, restored by *Julius*, and indeed to little purpose.

Tis true, *Athanasius* Condemned by two Synods, goes to *Rome*, where he and *Paulus*, are rec[illegible]

received into *Communion* by *Julius*; not liking the decree of the *Eastern* Bishops. *Julius* never pleads his *Power to depose* Patriarchs; but that his *consent* for the sake of *Unity*, should also have been *first* desired; and that so great a Matter in the Church, required a Council both of the *Eastern* and *Western* Bishops. *Vid. P. de Marca l. 7. c. 4. s. 6.*

But, saith Dr. *Still.* when we consider, with what heat and stomach this was received by the *Eastern* Bishops; how they absolutely *deny*, that the *Western* Bishops had any more to do with their proceedings, than they had with theirs: When they say, that the Pope by this *Usurpation*, was the cause of all the *mischief* that followed: You see what an excellent instance you have made choice of, to prove the Popes power of *Restoring* Bishops, to be acknowledged by the whole Church. P. 401. &c.

Sure, so far the Churches *practice* abroad, could not prevail to settle his right of Jurisdiction in the *English* Faith; especially, considering the *Practice* of our *own* Church, in opposing the Letters and *Legates* of Popes for six years together, for the Restoring of Arch-Bishop *Wilfred* by two of our own successive *Kings*; and the whole State of *England* Ecclesiastical and Civil, as appeared above.

Moreover St. *Cyprian* professeth in the *Council* of *Carthage*, *neque enim quisquam*, &c. for no one of us hath made himself *Bishop of Bishops*: or *driven his Fellow Bishops to a necessity of Obedience:* Particularly relating to *Stephen* then Bishop of *Rome*; as *Baronius* himself resolves. An. 258. n. 24.

But upon a matter of Fact, St. *August.* gave his St. *August.*

own judgment, both of the Popes *Power* and *Action* in that known case of the *Donatists*. First, they had leave to be heard by *foreign* Bishops. 2. *Forti non debuit*, yet perhaps *Melciades*, the Bishop of the *Roman* Church, ought not to usurp to himself this *Judgment* which had been determined by *seventy African Bishops*, *Tigisitanus* sitting *Primate*. 3. St. *Augustine* proceeds, and what will you say, if he did *not* usurp this *Power?* For the *Emperor* (being desired) sent Bishops, Judges; which should sit with him, and determine what was just upon the *whole* cause: So that upon the whole, 'tis easily observed, that in St. *Augustines* judgment, both the *Right* and the *Power*, by which the Pope (as the rest) proceeded; was to be resolved to the *Emperor*, as a little before, *ad cujus curam*; to whose care it did *chiefly* belong; *de qua, rationem Deo redditurus est*, of which he was to give account to *God*. Could this consist with the *belief* of the Popes *universal* Pastorship by *Divine Right?* if there can possibly, after so clear evidence need more to be said of St. *Augustines* judgment in this; it is only to refer you to the Controversies between the *African* Bishops, and the Bishop of *Rome* in case of Appeals.

Vid. Dr. *Hum.* disp. p. 398. *&c.* & *Still. Rationale.* p. 405.

SECT.

SECT. VII.

Not the Sayings of Ancient Popes, or Practice. Agatho, Pelagius, Gregory, Victor.

WE can find nothing in the ancient *Canons*, or ancient *practice*, to ground a *belief* of the Popes Authority in *England* upon, yet ſure *Popes* themſelves claimed it; and uſed *Expreſſions* to let us know it. Popes claimed.

Were it ſo indeed, experience tells us how little Popes are to be believed in their own *cauſe*; and all *reaſon* perſuades us not to believe them, againſt the *Councils* and *Practice* of the Church, and the judgment of the *Fathers*.

But ſome of the ancient Popes have been found ſo honeſt, as to *confeſs* againſt themſelves; and acknowledge *plain truth* againſt their own *greatneſs*.

The *Popes univerſal* headſhip, is not to be believed from the words of Pope *Agatho*, in his Letter to the *Emperor*; where St. *Paul* ſtands as high as St. *Peter*, οἱ τῶν Ἀποστόλων κορυφαῖοι, both are ſaid by him to be *heads* or chief of the *Apoſtles*: Beſides he expreſly claimed *only* the *Weſtern Patriarchate*. *Agatho.* *Con. To.* 2. *p.* 61. *B.*

But Pope *Pelagius* the Second, is more plain and home, to *Rome* it ſelf. *Nec etiam Romanus Pontifex univerſalis eſt appellandus*, the Pope of *Rome* is not to be called *univerſal* Biſhop: This was the opinion of that Pope of *Rome* himſelf, as it is cited out of his Epiſtle, and put into the *Pelagius.* *Decret. p.* 1. *diſt.* 99. *n.* 1.

Body of the *Law* by *Gratian*: now, one would think, that the ſame *Law* denied the *Power*, that denied the *Title* properly expreſſing that Power.

How triflingly doth *S. W.* object: theſe words are not found in the *Council* of *Carthage*, while they are found in the *Corpus Juris*; the Law, now of as much force at *Rome* as that *Council*.

'Tis weaker to ſay, they are *Gratians* own *Addition*, ſeeing his *Addition* is now *Law*; and alſo proved to be the Senſe of the *Pope Pelagius*: in his Epiſtle, he ſaith, let none of the *Patriarchs* ever uſe the name of *Univerſal*, applying in the concluſion to *himſelf*, being then *Pope*, as one of that *Number*; and ſo, if he were either *Pontifex Maximus*, or a *Patriarch*, and neither himſelf nor any *Patriarch* might be called *Univerſalis*; then ſure nothing was added by him, that ſaid in his Title to the *fourth* Chapter as *Gratian* did; *Nec etiam Pontifex*, not even the Biſhop of *Rome* muſt be called *Univerſal Biſhop*.

Dr. *Hum. diſp. diſp.* p. 418, 419.

Gregory.

But what ſhall be ſaid to Saint *Gregory*: who, in his Epiſtle to *Eulogius*, Biſhop of *Alexandria*, tells him, that he had prohibited him to call him *Univerſal Father*; that he was not to do it; that, reaſon required the contrary; that, it's derogatory to his Brethren; that this honour had, by a *Council*, that of *Calcedon*, been offered to his *Predeceſſors*, but *refuſed*, and never *uſed by any*.

Epiſt. ex Reg. l. 8. indic. 1. c. 30. & c. 4. ind. 13. c. 72 & 76.

Again, higher, he tells *Mauritius*, *ſidenter dico*, who ever calls himſelf *Univerſal Prieſt*, or *deſires* to be ſo called; is by his pride, a *Fore-*

L. 7. Ep. 30.

runner

runner of *Antichriſt*; his pride is an Indication of *Antichriſt approaching*: as he ſaith to the *Empreſs*, *l.* 4. *Ep.* 34. Yea, an Imitation of none but the *Devil*; endeavouring to break out to the top of *Singularity*; as he ſaith to *John* himſelf: yea, elſewhere, he calls this *Title*, the *name of Blaſphemy*; and ſaith, that, thoſe that *conſent* to it do, *fidem perdere*, deſtroy the Faith. *Lib.* 4. *Ep.* 38. *Ibid. Ep* 32 & 40.

A ſtrong *Title*, that neither Saint *Gregory*, nor, as he ſaith, any one of his *Predeceſſors*; no *Pope*, that went before him, would ever accept of: and herein, ſaith he, *I plead not my own cauſe, but the cauſe of God*, of the whole *Church*, of the *Laws*, the Venerable *Councils*, the *Commands* of Chriſt; which are all diſturbed with the invention of this *proud pompatick ſtile of Univerſal Biſhop*. *Ibid. Ep.* 32.

Now, can any one imagine, except one prejudiced, as *S. W.* that the *Power* is harmleſs, when the *Title* that doth barely expreſs it, is ſo *develiſh* a thing? Can any one imagine, that Saint *Gregory* knew himſelf to be that *indeed*, which in *Word* he ſo much abominates? or that he really exerciſed that *Univerſal* Authority, and Univerſal Biſhoprick; though, he ſo prodigiouſly lets flie againſt the Stile of *Univerſal* Biſhop? yet all this is ſaid, and muſt be maintained, leſt we ſhould exclude the *Univerſal* Paſtorſhip out of the *Primitive* Church.

There is a great deal of pitiful ſtuff uſed by the *Romaniſt*, upon this Argument; with which I ſhall not trouble the Reader, yet nothing ſhall be omitted that hath any ſhew of Argument on their Side: among which the words of Saint

Gregory following in his Argument, are most material.

Object. Saint *Gregory* saith, the *care* of the *whole* Church was by Christ committed to the *chief* of the Apostles, Saint *Peter*; and yet he is not called the *Universal* Bishop.

Sol. 'Tis confessed that Saint *Gregory* doth say that the care of the *whole* is committed to Saint *Peter*: again, that he was the *Prince* of the Apostles; and yet he was not called *Universal* Apostle: 'tis hence plain, that his being *Prince* of the Apostles, did not carry in it so much as *Universal* Bishop: otherwise, Saint *Gregory* would not have given the *one*, and denied him the other; and 'tis as plain, that he had the *care* of all Churches, and so had Saint *Paul*; but 'tis not plain, that he had *Power* over all Churches.

Doctor *Hammond* proceeds irrisistibly to prove the contrary from Saint *Gregory* himself in the *Novels*: if any Complaint be made, saith he, against a *Bishop*, the Cause shall be judged before the *Metropolitane*, *Secundum Regulas Sanctas & Nostras Leges*; if the Party stand not to his *Judgment*, the Cause is to be brought to the *Arch-Bishop* or *Patriarch* of that *Dioceſs*; and he shall give it a *Conclusion*, according to the *Canons* and Laws aforesaid; no place left for *Appeal to Rome*.

Ex Reg. lib. 11. Ep. 54.

Object. Yet it must be acknowledged, Saint *Gregory* adds, *si dictum fuerit &c.* where there is no Metropolitane nor *Patriarch*, the Cause may be heard by the *Apostolick See*, which *Gregory* calls the *Head* of all *Churches*.

Sol. Now, if this be allowed, what hath the *Pope* gained

gained, if perhaps such a Church should be found, as hath neither Primate nor *Patriarch?* how is he the nearer to the *Universal* Authority over those Churches that have *Primates* of their own; or which way will he by this means extend his Jurisdiction to us in *England*, who have ever had more than one Metropolitane? the Arch-Bishop of *Canterbury* was once acknowledged by a *Pope* to be *Alterius Orbis Apostolicus & Patriarch.*

But admitting this *extraordinary* Case; that where there is neither Mettopolitan nor *Patriarch* there, they are to have recourse to the *See Apostolick:* 'tis a greater wonder that the *Romanist* should insist upon it, then that his late *(Grace)* should mention it; at which *A.C.* so much admires: for this one *observation* with the assistance of that *known* Rule in Law (*exceptio confirmat Regulam in non exceptis*) puts a plain and speedy end to the whole Controversie: for if recourse may be had to *Rome*, from no other place, but where there is neither *Primate* nor *Patriarch*; then not from *England*, either when Saint *Gregory* laid down the Rule, or ever since, and perhaps then from *no other* place in the World; and indeed provision was thus made against any such *extraordinary* Case that might possibly happen; for it is but reason, that, where there is no *Primate* to appeal to, appeal should be received somewhere else; and where better, than at *Rome*, which Saint *Gregory* calls *Caput omnium Ecclesiarum?* and this is the utmost advantage, the *Romanist* can hope to receive from the Words.

But we see Saint *Gregory* calls *Rome* the *Head of all Churches.* Object.

'Tis

Sol. 'Tis true, whether he intends a *Primacy*, of *Fame* or viſible Splendor and *Dignity*, being the Seat of the *Emperor*, or *Order* and *Unity*, is not certain? but 'tis certain, he intends nothing leſs by it, than, that which juſt now he denied; a *Supremacy* of *Power* and *Univerſal ordinary* Juriſdiction; he having, in the words immediately fore-going, concluded all *ordinary* Juriſdiction within every proper *Primacy* or *Patriarchate*.

Object. But ſaith *S. W.* Saint *Gregory practiſed* the *thing*, though he denied the *Word* of *Univerſal*.

Sol. What Hypocriſie! damn the *Title* as he doth, and yet practiſe the *thing!* you muſt have good proof.

His firſt Inſtance, is of the *Primate* of *Byzacene*; wherein the *Emperor* firſt put forth his Authority, and would have him judged by *Gregory*: *Piiſſimus Imperator eum per nos voluit judicari*, ſaith *Gregory*: Hence, as Doctor *Hammond* ſmartly and ſoundly obſerves, that *Appeals* from a *Primate*, lie to none but the Supreme *Magiſtrate*.

Vid. Ep. 65. l. 7.

To which purpoſe, in the Cauſe of *Maximus* Biſhop of *Solana*, decreed excommunicate, by *Gregory*; his Sentence was ſtill with this reſerve and *ſubmiſſion*, *niſi prius*: unleſs I ſhould firſt underſtand by my moſt Serene *Lords* (the *Emperors*) that they *commanded* it to be done.

Ep. l. 3. Ep. 20.

Thus, if this *perfect* inſtance (as *S. W.* calls it) have any force in it; his *Cauſe* is gone, what ever advantage he pretends to gain by it.

Beſides, the *Emperors* Command was, that *Gregory* ſhould judge him, *juxta Statuta Canonica*;

nica; and *Gregory* himſelf pleads, *quicquid eſſet Canonicum Judicaremus.*

Thus *S.W*'s. Cauſe is killed *twice* by his own *perfect* inſtance: for if Saint *Gregory* took the Judgment upon him in *obedience* to the *Emperor*; and did proceed, and was to proceed in judging, according to the *Canons*; where was then the *Univerſal* Monarchy?

Yet, it is confeſſed by Dr. *Hammond*, which is a full anſwer to all the other, (not ſo *perfect* inſtances) that in caſe of injury done to any by a *Primate* or *Patriarch*, (there being no lawful *Superior*, who had power over him) the injured perſon ſometimes, made his complaint to the *Pope*, as being the moſt *Eminent* Perſon in the Church; and in ſuch caſe, he queſtionleſs might and ought, in all *fraternal* Charity, admoniſh the *Primate* or *Patriarch*, or diſclaim *Communion* with him, unleſs he reform.

But it ought to be ſhewn that *Gregory* did *formally* excommunicate any ſuch *Primate* or *Patriarch*; or *juridically* and authoritively act, in any ſuch Cauſe, without the expreſs *licenſe* of the *Emperor*, which not being done, his inſtances are anſwered: beſides, Saint *Gregory* always pleads the Ancient *Canons*; which is far from any claim of *Univerſal* Paſtorſhip by *Divine Right*, or *Donation* of Chriſt to Saint *Peter*. I appeal (ſaith Doctor *Hammond*) to *S.W. whether that were the Interpretation of ſecundum Canones*; and yet, he knows, that no other *Tenure* but that, will ſtand him in ſtead.

Indeed, the unhappineſs is, as the Doctor obſerves, that ſuch *Acts* at firſt, but neceſſary *fraternal*, *vid. diſput. diſp. p. 408. to p 423.*

fraternal charity were by *ambitious* men drawn into *example*, and means of assuming power of *Universal* Pastorship; which yet cannot be more vehemently prejudiced by any thing, than by those Ancient *examples*, which being rightly considered, pretend no higer than *Ecclesiastical Canons*, and the Universal Laws of *Charity*; but never made claim to any *Supremacy* of power over all Bishops, by *Divine* Institution.

It yet appears not that Saint *Gregory practised* the *thing*, but to avoid Arrogance disclaims the *name* of *Universal* Bishop.

A. C. against my *Lord of Canterbury*, goes another way to work: he grants the *Title*, and also the *thing* signified by it, to be both renounced by Saint *Gregory*; but distinguishes of the Term *Universal* Bishop, into *Grammatical*, to the exclusion of all other Bishops, from being *properly* Bishops; and *Metaphorical*, whereby the *Bishops* are secured, as such, in their respective *Dioceses*; yet all of them under the Jurisdiction of the *Universal* Bishop, *viz.* of *Rome*.

Sol. This distinction, Doctor *Stillingfleet* destroys, not more elaborately than fully and *perfectly*: shewing, that, 1. 'tis impossible Saint *Gregory* should understand the Term of *Universal* Bishop in that strict *Grammatical* Sense: for the reason, why this *Title* was refused, was because it seemed to diminish the *honour* of other Bishops, when it was offered the Bishops of *Rome* in a *Council* of *six hundred and thirty Bishops*; who cannot be imagined to divest themselves, by their kindness, of their very *Office*; though they hazarded somewhat of their *honour*. Can

Lib. 4. *Ep.* 32.

we

we think the *Council*, that gave the ſame Title to *John*, intended thus to *depoſe* themſelves? how comes it to paſs that none of *John*'s or *Ciriacus*'s *Succeſſors*, did ever challenge this *Title*, in that *literal* ſence, if ſo it was underſtood.

But to wave many things impertinent; 'tis evident, Saint *Gregory* underſtood the *Title Metaphorically*, from the reaſons he gives againſt it; which alſo *equally* ſerve to prove againſt *S. W.* that it was not ſo much the *Title* as the *Authority* of an *Univerſal* Biſhop, which he ſo much oppoſed.

He argueth thus to *John* the Patriarch: *What wilt thou anſwer to Chriſt the Head of the Univerſal Church in the day of Judgment, who doeſt endeavour to ſubject all his Members to thee, under the name of Univerſal Biſhop?* *Lib. 4. Ep. 38.*

Again, *doth he not ariſe to the height of Singularity, that he is Subject to none, but Rules over all?* and can you have a more perfect deſcription of the *preſent Pope*, than is here given? or is it the *Title* or the *Power*, that makes him *Subject* to none, that *Rules over all?* *Ibid.*

Again, he imitates the pride of *Lucifer*, endeavouring to be *Head* (not ſure, in *Title*, but *Power*) of the Church *Triumphant*; as the *Pope* of the Church *Militant*: Exalting his *Throne*, (not his *Name*) as *Gregory* adds, above the *Stars* of God, *viz.* the Biſhops, and *the height of the Clouds*. *Ibid.* *Ibid.*

Again, Saint *Peter* was the firſt *Member* of the Church: *Paul*, *Andrew*, and *John*, what are they elſe but *Heads* of particular Churches; and yet they are all *Members* of the Church under

der *one Head*, *i. e.* Chriſt; as before he had ſaid: we ſee he allows not *Peter* himſelf to be *Head* of the Church. *None that was truly Holy, was ever called by that name of Univerſal Biſhop*: which he makes to be the ſame with the head of the Church.

But Laſtly, ſuppoſe St. *Gregory* did mean, that this *Title* in its ſtrict *grammatical* ſence, was to be abhorred, and not as *Metaphorically* taken. What hath the Pope gained? who at this day bears that *Title* in the higheſt and ſtricteſt ſence imaginable? as the Dr. proves; and indeed needs no proof, being evident of it ſelf, and to the obſervation of the whole world. Thus all the hard words of St. *Gregory* uttered ſo long agon, againſt ſuch as *admitted* or *deſired* that *Title*, unavoidably fall upon the *Modern Roman* Biſhops, that take upon them to be the *ſole* Paſtors of the Church; and ſay that they are *Oecumenical* Biſhops, and that *all Juriſdiction* is derived from them: They are *Lucifers* and *Princes of Pride*; uſing a *vain*, *new*, *raſh*, *fooliſh*, *proud*, *profane*, *erroneous*, *wicked*, *hypocritical*, *ſingular*, *preſumptuous*, *blaſphemous* Name; as that holy Pope inveighed againſt it. Moreover, as he alſo adds, they tranſgreſs Gods *Laws*, violate the *Canons*, diſhonour the *Church*, deſpiſe their *Brethren*, and cauſe *Schiſm*. *Iſtud nomen facere in diſſeſſionem Eccleſiæ.*

L. 6. ep. 30, 31.

Obj. But it is ſaid, that Pope *Victor excommunicated* the *Aſian Churches* all at once: Therefore, ſaith *A. C.* the Pope had of right ſome Authority over the *Aſian Biſhops*; and by conſequence over the *whole* Church: And this appears in that, *Irenæus* in the name of the Gallican Biſhops, writes

writes to *Victor* not to proceed ſo raſhly in this Action: as appears in *Euſebius*.

Sol. 1. We anſwer, that thoſe *Biſhops*, among whom *Irenæus* was one, did *ſeverely rebuke* that Pope for offering to excommunicate thoſe *Aſian* Churches: Therefore they did not *believe* him to be the *Supreme*, *Infallible Paſtor* of the whole Church.

Vid. Euſ. l. 5. c. 24.

Ibid. 2. His *Letters* declaring that Excommunication, not pleaſing all his *own* Biſhops, they *countermanded* him: Surely not *thinking* him to be what *Popes* would now be eſteemed.

3. Hence *Card. Perron* is angry with *Euſebius*, and calls him an *Arrian*; and an enemy to the Church of *Rome*; for hinting, that though the Pope did declare them excommunicate, yet it took no effect, becauſe other *Biſhops* continued ſtill in *Communion* with them.

4 But the *force* of the *whole* Argument leans upon a plain miſtake, of the *Ancient Diſcipline*, both in the *Nature* and the Root or *Ground* of it.

Miſtake of the nature. Root of Diſcipline. For the nature of *Ancient* Excommunication, eſpecially when *practiſed* by one *Church* againſt another, did not imply a *Poſitive* Act of *Authority*, but a *Negative* Act of *Charity*; or a declaring againſt the Communion of ſuch with themſelves: And therefore was done by *Equals* to *Equals*; and ſometimes by *Inferiors* to *Superiors*. In Equals; thus *Johannes Antiochenus* in the *Epheſine Council*, excommunicated *Cyril*, Patriarch of *Alexandria*; and in Inferiors (in the ſence of our *Roman* Adverſaries) for the *African* Biſhops excommunicated *Pope Vigilius*: Hence, alſo, *Acacius* the *Patriarch* of *Conſt.* expunged the Name

Vict. Tun. in Chron. p. 10.

Name of *Fœlix* Biſhop of *Rome*; out of the *Dipticks* of the Church: And *Hilary* anethamatized *Pope Liberius*, therefore *Victors* declaring the *Aſian* Churches to be excommunicate, is no argument of his *power* over them.

2. The Root or *Ground* of the ancient *Diſcipline*, is alſo as plainly miſtaken, which was not *Authority* always, but *Care* and *Charity*. Care, I ſay, not only of themſelves who uſed it, but alſo of the *Church* that was cenſured, and indeed of the whole Church.

'Tis here proper to conſider, that though *Biſhops* had their *peculiar* Seats, and *Limits* for their Juriſdictions; yet they had all a *charitive* inſpection and *care* of that *univerſal* Church, and ſometimes *denominations* accordingly.

Hence we deny not that the ancient Biſhops of *Rome* deſervedly gained the Title of *Oecumenical Biſhops*, a thing of ſo great moment in the Controverſie, that if well conſidered, might advance very far towards the ending of it: For ſo the *Title* hath been given to *others*, as well as the Biſhop of *Rome*; and therefore, it could not argue any *Authority peculiar* to him. Alſo the ſame *univerſal care* of the Church (the occaſion of the *Title*) hath been acknowledged in *others* as well as in him; and indeed the *power*, which is the *Root* of that *Care*, as the *occaſion* of that *Title*, is founded in *all Biſhops*.

3 Notes. Here are *three* things noted, which may be diſtinctly conſidered.

1. *Power* is given to all *Biſhops* with an immediate reſpect to the *good* of the *whole* Church: So that if it were poſſible, that every *particular* Biſhop could take care of the *whole* Church, they

they have *Authority* enough in their *Function* to do it; though it be *impoſſible*, and indeed *inconſiſtent* with peace and order, that all ſhould undertake it: And therefore they have their bounds and *limits* ſet them; hence their particular *Dioceſſes*: therefore, as St. *Cyprian*, *there is but one Biſhoprick in the whole World; a part of which is held by every Biſhop.*

2. Thus we find in the *primitive* Church, that every Biſhop had his particular *Charge*, yet they ſtill regarded the *common* good; extending their *care* (the *ſecond* thing obſerved) ſometimes beyond their own *diviſion*, by their *council* and direction; yea and exerciſed their *functions* ſometimes in other places: Of which Dr. *Stillingfleet* gives many inſtances in *Polycarp. Ignatius*, *Irenaus*, St. *Cyprian*, *Fauſtus*. *Rat. ac. p.* 424, 425.

Yea upon this very ground, *Nazianzen* ſaith of St. *Cyprian*, that he not only governed the Churches of *Carthage*, but all the *Weſtern* parts; and even almoſt all the *Eaſtern*, *Southern*, and *Northern* too, as far as he went. *Or.* 18. *p.* 281.

Arſenius ſpeaks more home to *Athanaſius*; *We embrace* (ſaith he) *Peace and Unity with the Catholick Church, over which, Thou, through the Grace of God, doſt preſide.* Whence *Gregory Naz.* ſaith of *Athanaſius*, that *he made Laws for the whole Earth*: And St. *Baſil* writes to him, *that he had care of all the Churches as of his own*; and calls him the *Head* and Chief of all. *Athan. ad Imp. Conſt. p.* 786, &c. *Or.* 21. *p.* 392. *Ep.* 52.

And St. *Chriſoſtom* in the praiſe of *Euſtathius*, the Patriarch of *Antioch*, ſaith, that *he was inſtructed by the divine Spirit*; *that he was not only to have care of that Church over which he was ſet, but of the whole Church throughout the world.* *Tom.* 5. *p.* 631. *Basil.*

Now what is this but to say in effect, these great men were *universal* Bishops; though indeed, they, none of them, had *power* of Jurisdiction over any Church but their own; as, notwithstanding the general care of the ancient good Bishops of *Rome*, had of the good of the whole, (and their Influence and Reverence in order thereunto) the Bishops of *Rome* had not.

3. Upon the former *ground* and occasion, some Bishops in the most *famous* Churches, had the honour of the Title of *Oecumenical* or Universal Bishops.

But here we must confess, the Bishops of *Rome* had the advantage, being the most *famous* of all; both by reason of their own primitive *merit*, and the *glory* of the Empire, especially the latter.

The *Roman Empire* was it self accounted *universal*; and the greatness of the *Empire* advanced the *Church* to the same *Title*; and consequently the *Bishops* of that Church, above others.

Rat. p. 425, 426. 1. That the Roman Empire was so, appears by a multitude of Testimonies making *orbis Romanus & orbis humanus*, Synonimous; collect-

l. 14. *c.* 16. ed by Dr. *Still.* Hence *Am. Marcellinus* calls *Rome*, *Caput Mundi*, the head of the World: And the *Roman Senate*, *Asylum Mundi totius*: And it was usual then to call, whatever was *out*

Ibid. of the *Roman Empire*, *Barbaria*; as the same Dr. proves at large: Therefore that *Empire* was called in *Greek* ἡ οἰκουμένη. *Act.* 11. 28.

2. Some Bishops in the great Churches in the *Roman* Empire, were called *Oecumenical*, as that relates

relates to the ἡ οἰκουμένη, *viz.* the *Roman Empire*. This appears because the very ground of the advancement of the *Patriarch* of *Constantinople*, was the *greatness* of the City; as appears in the *Councils* of *Constantinople* and *Calcedon* about it; and the priviledges of *old Rome* gave the *measure* of the priviledges of *new Rome*.

And in probability, the ground of that *Patriarch*'s usurping the Title of *Oecumenical* Patriarch, was but to correspond with the greatness of his *City*; which was then the *Seat* of the *Empire*, as Dr. *Still.* very reasonably Conjectures. P. 426.

Moreover, all the three *Patriarchs* of *Alexandria*, *Antioch*, and *Constantinople*, had expressions given them tantamount to that Title: *The government of the whole World, the care of all the Churches, the government as it were of the whole body of the Church:* as Dr. *Stillingfleet* particularly shews. But most clear and full to that purpose, as he observes, is the Testimony of *Theodoret* concerning *Nestorius*, being made Patriarch of *Constantinople*: He was intrusted with the Government of the *Catholick* Church of the *Orthodox* at *Constantinople*; and thereby, *of the whole World.* Rat. p. 426. Theod. Hist. Eccl. l. 4. c. 14. p. 2. 5. To. 4. oper.

Where shall we find so *illustrious* a Testimony for the Bishop of *Rome?* or if we could, we see it would prove nothing *peculiar* to him.

Therefore, if the *Council* of *Calcedon* did offer the Title of *universal* Patriarch; or if they did not, but as the truth rather is, some *Papers* received in that *Council*, did give him that *Title*, it signifieth nothing to prove the *Popes universal* Authority.

Comment. ad Ref. Syn. Conſt. Baſ. p. 36.

Therefore, *Sim. Vigorius* ingeniouſly confeſſeth, that when the *Weſtern Fathers* call the *Roman* Biſhops, Biſhops of the *univerſal* Church, they do it from the cuſtom of their Churches; not that they look on them as *univerſal* Biſhops of the whole Church; but in the ſame ſence, that the *Patriarchs* of *Conſtantinople*, *Antioch*, *Alexandria*, *Jeruſalem*, are called ſo; or as they are *univerſal* over the Churches, under their own *Patriarchate*; or that in *Occumenical* Councils, they *preſide* over the whole Church: and after acknowledgeth, that the *Title* of *univerſal* or œcumenical Biſhop, makes nothing for the *Popes Monarchy*.

It is too evident, that that humble Pope *Gregory* ſeems to glorifie *himſelf*, while he ſo often mentions that offer of the *Title* of *Univerſal*; and his *refuſing* of it, and inveighing againſt it; and that theſe were *Engines* uſed by him to deprive others of the ſame *Title*, if not to *advance* his own *See* to the *power* ſignified by it; though if he did indeed deſign any ſuch thing, it is an argument that he was *aſhamed* openly to claim or *own* it, while he rails againſt the *Title*, in the effects of it, which depended upon the *power* it ſelf, as ſuch an *abominable* thing.

However, if the *Council* of *Calcedon* did indeed offer, (or only *record*) that *Title* to *Gregory*, it is more than manifeſt, it could not poſſibly be intended to carry in it the *Authority* of the whole Church; or any more than that *qualified* ſence of *Vigorius* before mentioned; becauſe other *Patriarchs* had the ſame *Title*; and we ſee no reaſon to believe, that that *Council* intended to ſubject themſelves, and all *Patriarchs*

to

to the Authority of the *Weſtern* Pope; contrary to their great *deſign* of advancing the *See* of *Conſtantinople* to *equal priviledges* with that of *Rome*, as appears by their 16 *Seſs. Can.* 28. and their *Synodical* Epiſtle to *Pope Leo.*

Thus the bare *Title* is no Argument; and by what hath been ſaid touching the *grandure* of the Roman *Empire*, and the anſwerable greatneſs and renown of the Roman *Church*, frequent recourſe had unto it from other Churches, for counſel and aſſiſtance; is of no more force to conclude her *Supremacy*, nor any matter of wonder at all.

Experience teacheth us that it is and will be ſo in all caſes: not only a renowned *Lawyer*, *Phyſician*, but *Divine*, ſhall have great reſort, and almoſt *univerſal* addreſſes. An honeſt and prudent Countryman ſhall be upon all *Commiſſions*: the Church of *Rome* was then *famous* both for *Learning*, Wiſdom, Truth, *Piety*, and I may add *Tradition* it ſelf as well as *greatneſs* both, in the eye of the world and all other Churches; and her *Zeal* and care for general good, keeping peace and ſpreading the grace of the Goſpel, was ſometimes admirable. And now no wonder that *Applications* in difficult caſes were frequently and generally made hither, which at firſt were received and anſwered with Love and *Charity*, though ſoon after, the *Ambition* of *Popes* knew how to advance, and hence to aſſume *Authority*.

From this, we ſee, it was no great venture, how ever *A. C.* Term it, for Arch-Biſhop *Land* to grapple with the Authority of *Ireneus*: who ſaith, to this Church, meaning *Rome*, *propter potentiorem Principalitatem*, for the more *Irenæ. l. 3. c. 3.*

powerful Principality of it, 'tis neceſſary that every Church, that is the faithful, *undique*, ſhould have recourſe, *in qua ſemper ab his qui ſunt undique, conſervata eſt ea quæ eſt ab Apoſtolis traditio.*

His *Lordſhip* ſeems to grant the whole: *Rome* being then the *Imperial* City; and ſo a Church of more powerful *Authority* than any other: yet not the *Head* of the Church *Univerſal*; this may ſuffice without the pleaſant criticizing about *undique*, with which, if you have a mind to be merry, you may entertain your ſelf in Dr. *Still. p.* 441. *&c.*

But, indeed *A.C.* is guilty of many Miſtakes in reaſoning, as well as criticizing: he takes it for granted, that this *Principality* is attributed by *Irenæus* here to *Rome*, as the Church, not as the *City*. 2. That the neceſſity, ariſing hence, was concerning the *Faith*, and not *ſecular* Affairs; neither of which, is certain, or in likelihood *true*, *vid.* Dr. *Still. p.* 444.

Beſides, if both were granted, the neceſſity is not ſuch as ſuppoſeth *Duty* or *Authority* in the faithful, or in *Rome*; but as the ſenſe makes evident, a neceſſity of *expedience*, *Rome* being moſt likely to give ſatisfaction touching that *Tradition* about which that diſpute was.

Laſtly, the *Principality* here implies not *proper* Authority, or *Power to decide* the Controverſie; one kind of Authority it doth imply, but not ſuch as *A. C.* enquired for: not the Authority of a Governor, but of a *Conſervator*; of a Conſervator of that Truth, that being made known by her, might reaſonably end the quarrel; not of an abſolute Governour, that

that might *command* the Faith, or the Agreement of the Diſſenters. This is evident: 1. Becauſe the Diſpute was about a matter of *Fact*, whether there was any ſuch Tradition or not, as the *Valentinians* pretended. 2. Becauſe *Irenæus* refers them to *Rome* under this reaſon, *conſervata eſt*, the Apoſtolical *Traditions* are kept there; being brought by the faithful *undique* thither: and therefore, brought thither, becauſe of the more *Principality* of the *City*, all perſons reſorted thither.

Laſtly, It is acknowledged that *Pope Gregory* doth ſay; that, if there be any fault in *Biſhops*, it is ſubject to the *Apoſtolical* See; but when their fault doth not exact it, that then, upon the account of *Humility*, *all were his Equals*. Obj. *Eph. 56. ind. 2.*

Indeed, this ſmells of his ambition and *deſign* before ſpoken of; but if there be any *truth* in it, it muſt agree with the *Canon* Saint *Gregory* himſelf records; and ſuppoſe the faulty Biſhop hath no proper *Primate* or Patriarch to judge him: alſo, with the proceeding then before him; and ſuppoſe Complaint to the *Emperor*; and the *Emperor*'s ſubjecting the Cauſe to the *Apoſtolical* See; as that Cauſe was by Saint *Gregory*'s own Confeſſion. Sol.

However, what he ſeems here to aſſume to his own *See*, he blows away with the ſame breath; denying any *ordinary Juriſdiction* and Authority to be in that *See*, over all Biſhops, while he ſuppoſes a *fault neceſſary* to their *ſubjection*; and that, while there is *no* fault, all are *equall*: which is not true, where, by a lawful ſtanding *ordinary* Government there is an *eternal* neceſſity of *Superiority* and *Inferiority*.

But of this, I had spoken *before*, had I thought (as I yet do not) that there is any *weight* or consequence in the words.

Further Evidence, that the Ancient *Popes* themselves, though they might thirst after it; did not *believe*, that they were *Universal* Bishops and Monarks over the whole Church; and that they did not *pretend* to it in any such manner, as to make the World *believe it*; I say, further evidence of this, ariseth from their acknowledged subjection to the *Civil* Magistrate in *Ecclesiastical* Affairs.

Pope *Leo* begged the Emperor *Theodosius* with tears; that he, ὥστε κελεύσαι, that he would Command (not permit) a *Council* to be held in *Italy*: that sure was not to signifie his *Authoritative* desires.

That Instance of *Pope Agatho*, in his Epistle to the *Emperor*, is as pertinent as the former; σὺν ἐπαίνῳ, &c. *with praise we admire your purpose well pleasing to God (not to the Pope) and for these Commands of yours we are rejoyced, and with groans, give thanks to God; and many such, Doctor* Hammond *saith, might be afforded.*

Conc. Tom. 5. p. 60. E. F.

Pope *Gregory* received the power of hearing and determining *Causes* several times, as he himself *confesseth*, from the *Emperor*; as we shewed before.

Hence Pope *Eleutherius*, to King *Lucius*: you are the Vicar of Christ: the same in effect which is contained in the Laws of *Edward* the *Confessor*.

And Pope *Urban* the Second, entertained our Arch bishop *Anselm* in the *Council* of *Bar*, with the Title of the *Pope* of another World,

or

or (as ſome relate it) the *Apoſtle* of another World, and a *Patriarch* worthy to be reverenced. *Malm. pro. ad lib. de geſt. pont. Angl.*

Now, when the Biſhops of *Rome* did acknowledge that the *Civil* Magiſtrate had power to *command* the aſſembling of *general* Councils, and to command *Popes* themſelves to hear and determine *Eccleſiaſtical* Cauſes: when they acknowledged the *King* of *England* to be the *Vicar* of Chriſt; and the Arch-Biſhop of *Canterbury*, *Pope* of another World: we may, I think, ſafely conclude, that whatever they thought of the *Primacy* of dignity, they did not *believe* themſelves; or, give *occaſion* to others, to *believe*; that they had then, the Juriſdiction of *England*; much leſs of the whole *World.*

Indeed, the Powers of *Emperors* over *Popes*, was exerciſed ſeverely; and continued long in practice, *an.* 654. *Conſtantius* bound and baniſhed Pope *Martin. an.* 963. *Otho* rejected Pope *John* 13. and made *Leo* 8. Pope. and *John* 14. *Gregory* 5. and *Sylveſter* 2. were made Popes by the *Otho*'s. *an.* 1007. *Hen.* 2. depoſed *three* Popes: this practice is confeſſed till *Gregory* 7. and before *An.* 679. Popes *ſubmitted* to Emperors by purchaſing their *Inveſtitures* of them; by *ſubmiſſive* terms, and bowing the knee before them, *Platin. Baron. Segeb.* *Vid.* King *James*'s defence, p. 50.

SECT.

SECT. VIII.

Nor the Words of the Imperial Law.

IF the Ancient *Councils*, or *practice*, or *Popes* themselves, offered nothing to perswade our *Ancestors* to a *belief* of the Pope's *Universal* Power or *Possession* of *England*; Certainly, we may despair of finding any such thing in the Ancient *Laws* of the Church; which are justly presumed to contain the *Sense* and *Rule* of all: were all other *Records* of Antiquity silent, saith our late *Primate*, the *Civil Law* is proof enough: for, that's a Monument of the *Primitive* Church: and not only so; it being the *Imperial*, as well as *Canon* Law, it gives us the reason and *Law* both of the *Church* and the whole *World*.

Now, what saith the *Law?* it first forbids the *Title*, and then the *Practice*.

Cor. Jur. Can. de pa. 1. dist. 99. c. 3. Can. 4. *Primæ sedis Apostolus*, the Patriarch or Bishop of the first *See*, is not to be called *Prince* of the Priests, or *Supreme* Priest; nor, as the *African* Canon adds, *aliquid hujusmodi*, any other thing of that kind.

The *practice* of any such Power was expresly forbidden; and not the proud *Title* only: the very Text of the *Law* saith, *à Patriarcha non datur Appellatio:* from a *Patriarch* there lies no *Appeal*, *Cod. lib. 1. Tit. 4. l. 29. Auth. Collat. 9. Tit. 15. c. 22.*

Can. 23. And this we have found agreeable to the *Milevitane Council*, where Saint *Augustine* was present, forbidding under pain of *Excommunication*

cation, any *Appeal* to any *Foreign Councils* or Judicatures: and this is again Conſonant to the *fifth Canon* of *Nice*; as that was to the *thirty fourth Apoſtolick*, where the *Primate* in every *Nation* is to be accounted their Head.

Now what do our *Adverſaries* ſay to this? Indeed, they ſeem to be put to it; and though their *Wits* are very pregnant to deliver many Anſwers, ſuch as they be, in *moſt* Caſes, they all ſeem to joyn in one poor ſlight *Evaſion* here; namely, that the *Laws* concerning *Appeals*, did only concern *inferiour* Clergy-men: but *Biſhops* were allowed to appeal to *Rome*; even by the *African* Canon, and acknowledged in that *Councils* Epiſtle to Pope *Boniface*.

Three *bold* Sayings: firſt, that the *Law* concerned not the Appeals of *Biſhops*. 2. The *Council* of *Africa* decreed *Biſhops* Appeals to *Rome*. 3. And acknowledged it in their *Letter* to Pope *Boniface*: but are theſe things, as truly, as boldly ſaid? for the *firſt* which is their *Comment*, whereby they would reſtrain the ſenſe of the *Laws*, to the excluſion of the *Biſhops*, we ſhall conſider their *ground* for it; and then propoſe our *reaſon*, and the *Law* expreſly againſt it, and then their *Reaſons* will need little anſwer.

They ſay, the *Law* reacheth not the difference between *Patriarchs* themſelves. Object.

But if there ſhould happen a difference betwixt a *Patriarch* and the *Pope*, who ſhall decide that? both theſe inconveniences are plainly ſolved by referring all ſuch *extraordinary* difficulties to a General Council. Sol.

But why ſhould the *Law* allow *Forreign* Appeals

peals to *Bishops* and not to *Priests?* Are all *Bishops Patriarchs?* is not a *Patriarch* over his *Bishops*, as well as a *Bishop* over his *Priests?* may not the *Gravamen* of a Priest be given by his *Bishop?* or the difference among *Priests*, be as considerable to the Church, sometimes as among *Bishops?* or hath not the *universal* Pastor if the Pope be so, *power* over and care of *Priests*, as well as Bishops? or can the *Summum imperium* receive limits from Canon or *Law?* to say, that *Priests* are forbidden to appeal, but the Pope is *not* forbidden to receive their Appeals, is plainly to cripple the *Law*, and to make it yield to all the inconveniences of *foreign* appeals against its true *end*.

Celestius necessity of Grace. *Milev. Con.*

But what if this very *Canon*, they pretend to allow Appeals from Bishops to *Rome*, do expressly *forbid* that very thing it is brought to allow? and it doth so undeniably, as appears in the Authentick *Collection* of the *African* Canons, *non provocent ad transmarina Judicia, sed ad primates suarum Provinciarum, aut ad universale Concilium, sicut de Episcopis sæpe constitutum est.* The same thing had often been determined in the case of Bishops.

Can. 28.

Obj. *Perron*, and others say, *this* clause was not in the *ancient Milevetan* Canons.

Sol. Have they nothing else but this *groundless* conceit to support their *universal* Pastorship against express *Law*, for *four hundred* years after Christ? Sure it behoved highly to produce a true *Authentick* Copy of those Canons, wherein that clause is omitted; which because they do not, we conclude they cannot.

However it is manifest, that the same thing against

againſt appeals of *Biſhops* to *Rome*, had been often determined, by far *greater* Teſtimony than the bare aſſertion of *Perron* and his Partners, *viz.* that *general* Council of *Carthage*, *An. D.* 419. about *three* years after that *Milevetan*; at the end of the firſt *Seſſion*, they reviewed the *Canons* of the *ſeventeen leſſer* Councils, which *Juſtellus* mentions; and wherein, no doubt, that point had been often determined; and out of them all compoſed that *Codex canonum Eccleſiæ Africanæ*, with that clauſe inſerted, as appears both in the *Greek* and many *ancient latine* Copies; and was ſo received and pleaded by the *Council* of *Rhemes*, as *Hincmarmus* proves as well as others.

Gratius confeſſeth it; but adds this *Antidote*, *Niſi forte Romanam Sedem appellaverit. i.e.* None ſhall appeal to *Rome* (the main deſign of the *Council*) except they do appeal to *Rome*; not *expounding* the Canon, but expoſing himſelf and that excellent *Council*.

But *A. C.* urgeth the *Epiſtle* of that Council to *Boniface*, as was before noted; and thence proves that the *Council* acknowledged, that *Biſhops* had power in their own cauſe to appeal to *Rome*. Obj.

'Tis true, they do ſay, that in a *Letter* written a year before to *Zoſimus*, they had granted liberty to *Biſhops* to appeal to *Rome*. This is true, but ſcarce honeſt; the next words in the Letter ſpoil the *Argument* and the ſport too: for they further ſay, that becauſe the Pope *contended* that the appeals of Biſhops were contained in the *Nicene* Canons, they were contented to yield that it ſhould be ſo, *till* the *true Canons* were produced. Sol.

Now

Now what can the Reader desire, to put an eternal end to this Controversie, and consequently to the claim of the *universal* Pastor in this Age; but an account of the *Judgment* of this *Council*, when they had received the Copy of the *Nicene* Canons (on which the point depended) out of the East.

This you have in that excellent *Epistle* of theirs to *Pope Celestine*, who succeeded *Boniface*; and the elaborate Dr. *Stillingfleet*, who searcheth all things to the bottom, hath transcribed it at large, as a worthy *Monument* of *Antiquity*; and of very great light in the present Controversie: To him I shall refer the Reader for the whole; and only note some few expressions to the purpose.

R. at. p. 410, 411.

We (say they) *humbly beseech you to admit no more into your Communion those whom we have cast out: For your Reverence will easily perceive that this is forbid in the Council of* Nice. *For if this be taken care for, as to the inferior Clergy and Laity, how much more would it have it to be observed in Bishops? The Decrees of* Nice *have subjected both the inferior Clergy and Bishops to their Metropolitans, for they have most wisely and justly provided, that every business be determined in the place where it begun. Especially seeing that it is lawful to every one if he be offended, to appeal to the Council of the Province, or even to an universal Council. Or how can a Judgment made beyond the Sea be valid, to which the Persons of necessary Witnesses cannot be brought by reason,* &c. *For this sending of men to us from your Holiness, we do not find it commanded by any Synod of the Fathers. And as for that Council of* Nice, *we cannot find it in the truest Copies, sent by holy*

holy Cyril *Bishop of* Alexandria, *and the venerable* Atticus *Bishop of* Constantinople; *which also we sent to your Predecessor* Boniface. *Take heed also of sending any of your Clerks for Executors, to those who desire it; lest we seem to bring the swelling pride of the World into the Church of Christ; and concerning our brother* Faustinus (Apiarius *being cast out*) *we are confident that our brotherly Love continuing,* Africa *shall no more be troubled with him.*

This is the sum of that famous Epistle, the Pope and the *African* Fathers referred the *point* in difference to the *true Canons* of the *Nicene* Council: The *Canons* determine against the *Pope*, and from the whole story 'tis inferred evidently.

1. That Pope *Boniface* himself implieth, his Jurisdiction was *limited* by the *general* Council of *Nice*, and that all the Laity and Clergy too, except *Bishops*, that lived beyond the *Seas*, and consequently in *England*, were exempted from his Jurisdiction by that *Council*.

2. Pope *Boniface* even then, when he made his *claim* and stood upon his terms with the *African Fathers*, pleads nothing for the appeals of *transmarine* Bishops to *Rome*, but the allowance of the *Council* of *Nice*, no *tu es Petrus* then heard of.

3. Then it seems the practices of Popes themselves were to be ruled and judged by the ancient Canons and *Laws* of the Church.

4. The *African Fathers* declared the *Pope fallible* and actually mistaken, both to his own *power* and sense of the *Council*: Proving substantially that neither Authority from *Councils*, nor any foundation in *Justice*, Equity or *order* of Govern-

Government or publick *Conveniency*, will allow or ſuffer ſuch *Appeals* to *Rome*; and that the Pope had no authority to ſend *Legates* to hear cauſes in ſuch caſes.

All theſe things lye ſo obviouſly in prejudice both of the Popes *Poſſeſſion and Title*, as *univerſal* Paſtor at that time, both in his *own* & the *Churches* ſence, that to apply them further would be to inſult; which I ſhall forbear, ſeeing *Baronius* is ſo ingenious as to confeſs, there are ſome *hard things* in this *Epiſtle*: And *Perron* hath hereupon expoſed his *Wit* with ſo much ſweat and ſo little purpoſe, but his own *Correction* and Reproach, as Dr. *Still.* notes.

Yet we may modeſtly conclude from this *one* plain *inſtance*; that the ſence of the *Nicene* Council was defined by the *African* Council, to be againſt the *Popes Supremacy*, and conſequently they did not *ſubmit* to it nor *believe* it; and a further conſequence to our purpoſe is, that then the *Catholick* Church did not *univerſally* own it: *i.e.* the Popes *Supremacy* then had not *Poſſeſſion* of the faith of the whole Church: For as *A. C. p.* 191. maintains, the *Africans*, notwithſtanding the conteſt in the ſixth *Council* of *Carthage*, *were always in true Communion with the Roman Church, even during the term of this pretended Separation*: And *Celeſtine* himſelf ſaith, that St. *Auguſtine* one of thoſe *Fathers*, *lived and dyed in the Communion of the Roman Church.*

SECT.

SECT. IX.

The Concluſion touching Poſſeſſion Anciently.

WE hope it is now apparent enough, that the *Popes Supremacy* had no *poſſeſſion* in *England from the beginning*, or for the *firſt ſix hundred* years; either *de facto* or *in ſide*. Our Anceſtors yielded not to it; they unanimouſly reſiſted it, and they had no *reaſon* to believe it, either from the *Councils* or *practice* of the Church; or from the *Edicts* and Rules of the imperial *Law*, or the very ſayings of the *Popes* themſelves.

Thus *Sampſon's Hair*, the ſtrength and Pomp of their beſt *Plea*, is cut off: The *foundation* of the Popes Supremacy is *ſubverted*, and all other pleas broken with it.

If according to the *Apoſtles Canons*, every *Nation had its proper Head in the beginning, to be acknowledged by them under God: And according to a general Council, all ſuch Heads ſhould hold as from the beginning*; there can be no ground *afterwards*, for a lawful *poſſeſſion* to the contrary.

If *tu es Petrus, & paſce Oves*, have any force to maintain the *Popes Supremacy*, why did not the ancient *Fathers*, the Authors of thoſe *Canons*, ſee it? Why was not it ſhewn by the Popes

concerned, in *bar* againſt them when nothing elſe could be pleaded? When both *Poſſeſſion* and *Tradition* were to be *begun*, and had not yet laid their *Foundation?* Yea when *actual oppoſition in* England was made againſt it: when *general Councils* abroad, laid reſtraints upon it; and the *Eaſtern* Church would not acknowledge it.

Indeed both Antiquity, Univerſality, and Tradition it ſelf, and all colour of *Right* for ever, fails with poſſeſſion.

For *Poſſeſſion* of *Supremacy*, afterwards, cannot poſſibly have either a *divine* or *juſt Title*; but muſt lay its Foundation, contrary to Gods *Inſtitution* and Eccleſiaſtical *Canon*. And the *Poſſeſſor* is a *Thief* and a *Robber*, our Adverſaries being Judges. He invades others Provinces; and is bound to Reſtore: And *long Poſſeſſion*, is but a protracted *Rebellion* againſt *God* and his *Church*.

However it be with the *ſecular* Powers, Chriſts *Vicar*, muſt certainly derive from him; muſt hold the power he *gave*; muſt come in it at his door. And *S. W.* himſelf, *P.* 50 againſt Dr. *Hammond*, fiercely affirmeth, *That Poſſeſſion in this kind ought to begin near Chriſts Time; and he that hath begun it later, unleſs he can Evidence that he was driven out from an Ancient Poſſeſſion, is not to be ſtiled a Poſſeſſor but an Uſurper, an Intruder, an Invader, Diſobedient, Rebellious, and Schiſmatical. Good Night*, S. W.

Quod ab initio fuit invalidum, tractu temporis non Convaleſcit, is a Rule in the Civil Law.

Yea,

Yea, whatever *Possession* the Pope got afterwards, was not only an illegal *Usurpation*, but a manifest Violation of the *Canon* of *Ephesus*; and thereby Condemned as *Schismatical.*

CHAP. VII.

The Pope had not full Possession here, before Hen. 8. I. *Not in* Augustine's *Time.* II. *Nor After.*

'TIs boldly pleaded; that *the Pope had Possession of the Supremacy in* England *for nine hundred years together*, from *Augustine* till *Hen.* 8. And no *King* on Earth hath so long, and so clear prescription for his *Crown.*

To which we answer: 1. That he had not such *Possession.* 2. If he had, 'tis no Argument of a *just Title.*

SECT. I.

Not in Austin's *Time. State of Supremacy questioned.*

WE shall consider the Popes *Supremacy* here, as it stood in and near St. *Augustine*'s time, and in the Ages *after* him to *Hen.* 8.

1. We have not found hitherto, that in or about the time of *Augustine*, Arch-Bishop of *Canterbury*, the Pope had any such power in *England* as is pretended.

Indeed,

Indeed, he came from *Rome*; but he brought no *Mandate* with him; and when he was come, he did nothing without the *King's licence*: at his arrival, he petitions the *King*; the King commands him to ſtay in the *Iſle Thanet*, till his further *pleaſure* was known: he obeyed; afterward, the King gave him *licence* to preach to his Subjects; and, when he was himſelf converted, *majorem prædicandi licentiam*, he enlarged his licence ſo to do. *Bed. l. 1. c. 25.*

'Tis true, Saint *Gregory* preſumed largly, to ſubject *all* the Prieſts of *Brittain* under *Auguſtine*; and to give him power to erect two *Arch-Biſhopricks*, and twelve *Biſhopricks* under each of them; but 'tis one thing to *claim*, another thing to *poſſeſs*: for *Ethelbert* was then the *only* Chriſtian King, who had not the *twentieth* part of *Brittain*; and it appears, that after both Saint *Gregory* and *Auſtine* were dead, there were but one *Arch biſhop*, and two *Biſhops*, throughout the *Brittiſh* Iſlands, of the *Roman Communion*.

Indeed, the *Brittiſh* and *Scotch* Biſhops were many, but they *renounced* all Communion with *Rome*, as appeared before. *Bed. l. 2. c. 2 & c. 4.*

We thankfully acknowledge the Pope's ſending over *Preachers*; his commending, ſometimes *Arch-Biſhops* when *deſired*, to us; his directions to fill up *vacant* Sees: all which, and ſuch like, were Acts of *Charity*, becoming ſo eminent a *Prelate* in the Catholick Church: but ſure theſe were not Marks of *Supremacy*.

'Tis poſſible, Saint *Milet*, as is urged, might bring the Decrees of the *Roman* Synod hither to be obſerved; and that they were *worthy* of

our acceptance, and were accepted accordingly; but 'tis certain, and will afterwards appear to be ſo, that ſuch *Decrees* were never of *force* here, further than they were *allowed* by the *King* and Kingdom.

'Tis not denied, but that ſometimes we admitted the *Pope's Legates*, and *Bulls* too; yet the *Legantine Courts* were not Anciently heard of; neither were the *Legates* themſelves, or thoſe *Bulls*, of any Authority without the *King's* Conſent.

Some would argue from the great and *flattering Titles* that were antiently given to the *Pope*; but ſure ſuch Titles can never ſignifie *Poſſeſſion* or *Power*, which at the ſame time, and perhaps by the very ſame *Perſons* that gave the Titles, was *really* and indeed denied him.

But the great Service the Biſhop of *Calcedon* hath done his Cauſe by theſe little Inſtances before mentioned, will beſt appear, by a true ſtate of the queſtion touching the *Supremacy* betwixt the *Pope* and the *King* of *England*; in which, ſuch things are not all concerned.

Vid. Bramb. p. 189. &c.

The plain queſtion is, who was then the *Political Head* of the Church of *England?* the *King* or the *Pope?* or more immediately, whether the *Pope* then had *poſſeſſion* of the Supremacy here in ſuch things, as was *denied* him by *Hen.* 8. at the beginning of our *Reformation?* and the *Pope* ſtill challengeth? and they are ſuch as theſe.

1. A *Legiſlative Power* in Eccleſiaſtical Cauſes.

2. A *Diſpenſative Power*, above and againſt the *Laws* of the Church.

3. A

3. A liberty to ſend *Legates*, and to hold *Legantine Courts* in *England*, without *Licence*.

4. The Right of receiving the *laſt Appeals* of the King's Subjects.

5. The *Patronage* of the Engliſh Church, and *Inveſtitures* of Biſhops; with power to *impoſe Oaths* upon them, contrary to their Oath of *Allegiance*.

6. The *Firſt Fruits* and *Tenths* of Eccleſiaſtical Livings; and a power to impoſe upon them what *Penſions*, or other Burthens, he pleaſeth.

7. The Goods of Clergy-men, dying Inteſtate.

Theſe are the Flowers of that *Supremacy* which the *Pope* claimeth in *England*, and our *Kings*, and *Laws*, and Cuſtoms deny him; as will appear afterwards in due place: for this place, 'tis enough to obſerve, that we find no foot-ſteps of ſuch poſſeſſion of the *Pope*'s *Power* in *England*, in or about *Auguſtine*'s time.

As for that one inſtance of Saint *Wilfred*'s Appeal, it hath appeared before; that it being rejected by *two* Kings ſucceſſively, by the other *Arch-Biſhop*, and by the whole Body of the Engliſh *Clergy*, ſure, 'tis no full inſtance of the *Pope*'s *Poſſeſſion* of the Supremacy here at that time; and needs no further anſwer.

SECT. II.

No clear or full poſſeſſion in the Ages after Auſtine, *till* Hen. 8. *Eight Diſtinctions; the Queſtion ſtated.*

IT may be thought that though the things mentioned were not in the *Pope*'s *poſſeſſion* ſo early; yet, for *many* Ages together *they* were found in his Poſſeſſion, and ſo continued, *without interruption*, till *Hen.*8. ejected the *Pope*, and poſſeſt *himſelf* and his *Succeſſors*, of them.

Whether it were ſo or not, we are now to examine; and leaſt we ſhould be deceived with *Colours* and generalities, we muſt *diſtinguiſh* carefully.

1. Betwixt a *Primacy* of Order and Dignity and Unity; and *Supremacy* of Power, the *only* thing diſputed.

2. Betwixt a Judgment of *direction* reſulting from the ſaid Primacy; and a Judgment of *Juriſdiction* depending upon Supremacy.

3. Betwixt things *claimed*; and things *granted* and poſſeſſed.

4. Betwixt things poſſeſſed *continually*; or for *ſometime* only.

5. Betwixt Poſſeſſion *partial*, and of ſome leſſer Branches; and *plenary* or of the main body of Juriſdiction.

6. Betwixt things *permitted* of *curteſie*; and things granted out of *duty*.

7. Betwixt *incroachment* through *craft*, or power or intereſt, or the temporary *Oſſitancy* of the

the People; and Power, grounded in the *Laws*, enjoyed with the *conſent* of the States of the Kingdom in times of *peace*.

8. Laſtly, betwixt *quiet* poſſeſſion; and *interrupted*.

Theſe Diſtinctions, may receive a ſlout from ſome *capricious* Adverſary; but, I find, there is need of them all, if we deal with a *ſubtle* one.

For the Queſtion is *not*, touching *Primacy* in the Biſhop of *Rome*; or an acknowledged Judgment of *direction* flowing from it; or a *claim* of Juriſdiction, which is no *Poſſeſſion*; or a *partial* poſſeſſion of power in ſome leſſer things; or a larger power in greater matters, yielded out of *curteſie*, oſſitancy, or fear, or ſurprize; and held only for *a time*, while things were *unſetled*; or by *power*, craft or intereſt; but ſoon after *diſclaimed*, and frequently interrupted: for, this is not *ſuch* a Poſſeſſion as our *Adverſaries* plead for; or, indeed, will ſtand them in ſtead.

But the Queſtion in ſhort, is this; *whether the Pope had a quiet and uninterrupted poſſeſſion of the Supreme Power over the Church of* England *in thoſe great Branches of Supremacy denied him by* Henry *the Eighth, for nine hundred years together, or for many Ages together before that time?*

This, ſtrictly, muſt be the Queſtion: for the *Complaint* is; that *Hen.* 8. *diſpoſſeſſed* the *Pope* of the Supremacy which he had enjoyed for ſo many Ages; and made himſelf *Head* of the Church of *England*: therefore, thoſe very things which that *King* then denied to the *Pope*, or took from him, muſt be thoſe *Flowers* of the *Supremacy*, which the Papiſts pretend, the *Pope* had

had *poſſeſſion* of, for ſo many Ages together *before* his time.

Two things, therefore, and thoſe *only*, are needful to be ſought here: what thoſe *Branches* of *Power* are, which *Henry* the Eighth denied to the *Pope*, and reſumed to himſelf and his Succeſſors? and whether the *Pope* had *quietly*, and without plain interruption, poſſeſt the ſame for ſo many Ages *before* his time? and in order thereunto, *when* and *how* he got it?

CHAP. VIII.

CHAP. VIII.

What the Supremacy was, which Henry *the Eighth took from the Pope: the Particulars of it, with Notes.*

'TIs true, *Henry* the Eighth resumed the *Title* of the only *Supreme Head in Earth, of the Church of* England; and denied this *Title* to the *Pope*: but 'tis plain, the Controversie was not so much about the *Title* as the *Power*; *the Honours, Dignities, Jurisdictions, Authorities, Profits, &c. belonging or appertaining to the said Dignity of Supreme Head of the Church of* England: as is evident by the Statute, *Hen.* 8. 26. *c.* 1.

The *Particulars* of that *Power* were such as these.

1. *Henry* the Eighth prohibited all *Appeals* to the *Pope*, *An.* 24. *c.* 12. and *Legates* from *Rome*.

2. He also forbad all *payments* of money, upon any pretence, to the Pope, *An.* 25. *c.* 12.

3. He denied the *Pope* the *Nomination* and Consecration of *Arch-Bishops* and Bishops, and *Presentations*, *An.* 25. 20.

4. He prohibited all Suits for *Bulls &c.* to be made to the *Pope*, or the See of *Rome*, 25. *c.* 21.

5. He prohibited any *Canons* to be executed here, without the *King's Licence*, *An.* 25. 19.

I have perused the *Statutes* of King *Henry* the *Eighth*; and I cannot find any thing which he

he took away from the *Pope*, but it is reducible to theſe *five* Heads: touching which, by the way, we note.

1. The Controverſie was not about a *Primacy* of Order, or the beginning of Unity; but a *Supremacy* of Power.

2. All theſe things were then denied him, not by the King alone; but by all the *States* of the Kingdom, in many *Statutes*.

3. The denial of all theſe Branches of *Supremacy* to the *Pope*, were grounded upon the *Ancient Laws* and Cuſtoms of the Realm, as is uſually noted in the *Preamble* of the ſaid *Statutes*: and if, that one thing ſhall be made to appear; we muſt conclude, that the *Pope* might be guilty of an *Uſurpation*, but could never have a *Legal Poſſeſſion* of that Supremacy, that is in the queſtion.

4. Note, that the *States* of the Kingdom in the Reign of Queen *Mary*, (when by means of *Cardinal Pool*, they recognized the *Pope's Supremacy*) it was with this careful and expreſs *Limitation*; *that nothing therein ſhould be underſtood to diminiſh any the Liberties of the Imperial Crown of this Realm*; *which did belong unto it in the Twentieth year of* Hen. 8.——without *deminution* or *enlargment* of the *Pope's Supremacy in* England *as it was in the Twentieth year of* Hen. 8. So that *Queen Mary*, and her Parliament, *added* nothing to the *Pope*, but only reſtored what he had before; and *when* and *how* that was obtained, is next to be examined.

An. 1. 11. *Mar. c.* 8.

CHAP. IX.

CHAP. IX.

Whether the Pope's Supremacy here, was in quiet Poſſeſſion till Henry *the Eighth?*

WE have found, what Branches of the *Pope's Power*, were cut off by *Hen.* 8.

The Queſtion is, whether the *Pope* had *Poſſeſſion* of them, without *interruption*, before that time? and, that we may proceed *diſtinctly*, and clearly; we ſhall conſider *each* of the former Branches by themſelves: and firſt we begin with the *Pope's Power* of receiving *Appeals* from hence; which carries a very conſiderable part of his pretended *Juriſdiction.*

SECT. I.

Of Appeals to Rome. *Three Notions of Appeal. Appeals to* Rome *Locally, or by Legates.* Wilfrid. Anſelm.

Appeals to *Rome*, we have found among theſe things which were prohibited by *Henry the Eighth:* Therefore no doubt the Pope claimed, and in ſome ſort *poſſeſſed* the power of receiving

ceiving ſuch *Appeals* before. But what kind of *Poſſeſſion*, how *free*, and how *long*, is worthy to be enquired.

3 Senſes of Appeal.

Appeal, is a word taken ſeveral ways: Sometimes it is only to *accuſe*; ſo we find it in the *Statutes* of the 11 and 21 *Rich.* 2. Sometimes to *refer* our ſelves for judgment, to ſome worthy perſon; ſo *Francfort*, &c. appealed to *John Calvin*. 3. But now it is chiefly uſed for a *removing* a *cauſe* from an inferior to a *Superior* Court, that hath power of diſanulling what the other did.

In this laſt ſenſe, *Hiſtorians* tell us, that *Appeals to* Rome were not in uſe with us, till about *five hundred years agon*, or a little more, *viz.* the year 1140.

These *Appeals to* Rome were received and judged either in the *Popes Court* at *Rome*; or by his *Legates* in *England*. A word or two of each.

1. Locally.

For *Appeals to the Pope* at *Rome*, the two famous inſtances of *Wilfred* and *Anſelm*, take up much of our Hiſtory.

Wilfred. *Anſelm.*

But they both ſeem, at leaſt at firſt, to have *appealed* to the Pope, under the ſecond notion of *appeal*: Not to him as a *proper* or legal *Judge*; but as a great and *venerable Prelate*.

But not to ſtick there; 'tis well known what *effect* they obtained: As for *Wilfred*, his account was of *elder* date; and hath appeared before, to the great *prejudice* of the Popes *Poſſeſſion* in *England* at that *time*.

Anſelm.

But *Anſelm* is the great *monument* of *Papal Obedience*; and, as a learned man obſerves, the *firſt* promoter of *Papal* Authority in *England*. He

He began his Enterpriſe with a pretence, that he ought not to be barr'd of *viſiting* the *Vicar* of St. *Peter*, *cauſa Regiminis Eccleſiæ*; but he was not *ſuffered* to do that: So far was the Pope then, from having the *power* of receiving *appeals*, that he might not receive the *viſit* of a perſon of *Anſelm*'s quality, without the *Kings leave*.

Firſt, he was told by the *Biſhops*, as well as *Lay-Lords*, that it was a thing *unheard of*, and *altogether againſt the uſe of the Realm, for any of the great men, eſpecially himſelf to preſume any ſuch thing*, without the Kings Licence.

Notwithſtanding, he would, and did go; but what followed? His *Biſhoprick* was *ſeiz'd* into the *Kings* hand: And the Pope durſt not, or thought not good, to give him either *Conſilium* or *Auxilium*, as Sir *Rog. Twiſd. p.* 11. & 12. makes appear out *Eadmer*, *p.* 20, 26, 38, 39, 53.

In the diſpute, the *King* told *Anſelm*, the Pope had not to do with his *Rights*; and wrote that free *Letter*, we find in *Jorvalenſis Col.* 999, 30. and upon the *ambiguous* anſwer of the Pope, the *King* ſent *another* letter by *Anſelm* himſelf to *Rome*, who ſpake plainly, his *Maſter*, *nec amiſſione Regni*, *&c.* for the loſs of his Kingdom, he would not loſe the *inveſtiture of his Churches*. *Eadem.* 733 13.

But *Anſelm*, as *Arch-Biſhop*, took the *Oath*, that was appointed by the *Pope* to be taken at the receiving of the *Pall*, which allowed his *Power* to receive Appeals. Obj.

'Tis true; but *Pope Paſchalis* himſelf, who deviſed that *Oath*, acknowledgeth, that it was as *Anſelm* ſignified to him, *not admitted*; but *wondred* at; and lookt on as a *ſtrange* innovation Anſ.

both

Baron. an. 1102. nu. 8. both by the *King* and the *great men* of the Kingdom. The *King* pleaded the *Fundamental Laws* and cuſtoms of the *Land* againſt it; it is *a cuſtom of my Kingdom inſtituted by my Father, that no Pope may be appealed unto*, without the *Kings licence. He that takes away the cuſtoms of the Kingdom, doth violate the Power and Crown of the King.*

Malmſ. l. 1. *de geſt. Pont. Ang.* And 'tis well noted by Arch-Biſhop *Bramhall*, that the Laws eſtabliſhed by his *Father, viz. William the Conqueror*, were no other than the *Laws of* Edward *the Confeſſor*; that is to ſay, the old *Saxon* Laws, who had before yielded to the requeſt of his *Barons* (as *Hoveden* notes) to *confirm* thoſe *Laws*.

In Hen. 2.

But, though *Anſelm* had obliged himſelf by the ſaid *Oath* to the *Pope*, yet the *reſt* of the *Biſhops refuſed* the Yoke; and thereupon, *Malmsb.* tells us, *in his &c.* that, in the *execution of theſe things, all the Biſhops of* England *did deny their Suffrage to their Primate.*

Malm. ibid.

Conſequently, the *Unanimity* of the whole Realm, appeared in the ſame Point, in the Reign of this Kings *Grandchild*, in the *Statute* of *Clarendon*; confirming the former *Britiſh*, Engliſh *cuſtom*, not only by their *conſents*, but their *Oaths*: wherein *generally* every man is interdicted to *appeal to* Rome.

Math. Par. 1164. *Hoved. in* Hen. 2.

This *Statute* of *Clarendon* was made, when *Popery* ſeemed to be at the *height* in *England*: It was made to *confirm* the *Cuſtoms* and Liberties of *Henry* the *Seconds Predeceſſors*; that is to ſay, as the words of the *Statute* are, his *Grandfather* Henry *the firſt*, Son of the *Conqueror*, and *other Kings*. Now the *Cuſtoms* of *England* are our *common Laws*, and the cuſtoms of his *Predeceſſors* were

were the *Saxon*, *Daniſh*, and *Norman* Laws; and therefore ought to be obſerved of all, as my Lord *Bramhall* reaſons. P. 73.

What theſe *cuſtoms* were, I may ſhew more largely hereafter; at preſent this one is pertinent. *All appeals in* England *muſt proceed regularly, from the Arch-Deacon to the Biſhop, from the Biſhop to the Arch Biſhop, and if the Arch-Biſhop fail to do his duty, the laſt muſt be to the King, to give order for redreſs, that is, by fit delegates.*

In *Ed. the Thirds time*, we have a plain *Law* to the ſame purpoſe in theſe words; *Whoſoever ſhould draw any of the Kings Subjects out of the Realm in plea about any cauſe, whereof the Cognizance belongeth to the Kings Court, or ſhould ſue in any foreign Court to defeat any Judgment given in the Kings Court*, (viz. *by appealing to* Rome) *they ſhould incur the ſame penalties; and upon the ſame ground*, the body of the *Kingdom* would not ſuffer *Edward* the *Firſt*, to to be *cited* before the Pope. 27 *Ed.* 3. c. 1.

'Tis confeſt, that in the *Laws* of *Hen.* 1. 'tis granted, that in caſe a *Biſhop* erring in *Faith*, and on *Admonition*, appearing *incorrigible*, *ad ſummos Pontifices* (the *Arch-Biſhops*) *vel ſedem Apoſtolicam, accuſetur*: which paſſage, as Sir *Ro. Twiſden* gueſſes, was inſerted *afterwards*; or the *grant* gotten by the *importunity* of the then Pope. Obj.

But the ſame *learned Mans* Note upon it, is, that, this is *the only Cauſe wherein I find any Engliſh Law approve a foreign Judicature.* Anſ. P. 32.

'Tis plain, *Anſelm*'s *Appeal* (now on foot) was *diſapproved* by the whole *Kingdom*: 'tis evident, that *this Clauſe* was directly *repugnant* to the *Liberties* and Cuſtoms of the *Realm*; upon

which *Anſelm*'s *Appeal* was ſo *ill* reſented.

'Tis manifeſt in thoſe days, and after, appeals to *Rome* were not *common*: yea this very *Pope Paſchalis* complains to this *King*, *Vos oppreſſis Apoſtolicæ ſedis appellationem ſubſtrahitis*, which was *an.* 1115. and that they were held, a cruel *intruſion* on the Churches Liberty; ſo as at the *Aſſize* at *Clarendon*, 1164. *this Law*, if it were ſo, was *annulled* and declared to be contrary to the liberties and cuſtoms of the *Realm*; the *eighth Chapter* whereof, is wholly ſpent in ſhewing the *Right* of the *Kingdom* in this point, *quod non appellaretur*, for *any Cauſe*, *ad ſedem Apoſtolicam*, *without leave* had firſt, from the *King* and his Officials, as *Joh. Sariſb.* interprets, *Ep.* 159. *p.* 254.

Eadm. p. 1133.

Obj. Indeed, the *King* did *perſonally* yield afterwards, *an.* 1172. not to *hinder* ſuch appeals in *Eccleſiaſtical* Cauſes.

Anſ. But the whole *Kingdom* four years after, would not quit their intereſt; but did again *renew* the aſſize of *Clarendon*, 1176. uſing this cloſe expreſſion. *Juſtitiæ faciant quærere per conſuetudinem terræ illos qui a regno receſſerunt, & niſi redire voluerint, & ſtare in curia domini Regis, ut legentur*, &c. as *Gervaſe* alſo notes. *an.* 1176. *Col.* 1433. 19.

Hoved. f. 314. *b.* 3.

Accordingly, was the *practice*, during K. *Rich.* the *ſeconds* time: *Geffrey* Arch-Biſhop of *York*, was complained of; that he did not only refuſe *Appeals to* Rome, but *impriſoned* thoſe that made them: and though upon that complaint, a time was aſſigned to make his defence to the Pope, yet he *refuſed* to go; becauſe of the *Kings* Prohibition and the indiſpoſition of the Air.

After

After this, upon a difference with the *King*, the Arch-Biſhop went to *Rome*; and made his peace with the Pope, and returns; but the *King* offended with it, committed the *care* even of the *ſpirituals* of his *Arch-Biſhoprick* to others, till he had *reconciled* himſelf to the Crown, which was nere *two years* after, about 1198.

After this, again, he received complaint from *Innocentius* III. *non excuſare te potes, &c. Thou canſt not excuſe thy ſelf as thou oughteſt, that thou art ignorant of the priviledge of Appeals to us; ſeeing thou thy ſelf has ſometimes done the ſame.* Hov. an. 1201.

And near about the ſame time (as *Twiſden* obſerves) *Robert Abbot* of *Thorney*, depoſed by *Hubert* Arch-Biſhop, was kept in *Priſon* a year and an half, without any regard had to his *appeal* made to the Pope. Hov. f. 430 b. 37.

Indeed, that *Pope Innocent* the *Third* and his Clergy, great inſtruments in obtaining *Magna Charta* from that Prince, had got that clauſe inſerted, *liceat unicuique, it is lawful for any one to go out of our Kingdom, and to return, niſi in tempore Guerræ, per aliquod breve tempus.* After which, ſaith *Twiſden*, it is ſcarce imaginable how every *petty* cauſe was by *appeals* removed to *Rome*; which did not only cauſe Jealouſie at *Rome*, that the grievance would not long be born; and put the Pope, in prudence to ſtudy and effect a *mitigation*, by ſome favourable priviledges, granted to the *Arch-Biſhoprick*: but it did alſo awaken the *King* and *Kingdom*, to ſtand upon, and *recover* their ancient *liberty* in that *point*. Obj.

Hereupon, the Body of the *Kingdom*, in their querelous Letter to *Innocent* the fourth, 1245. Matth. Par. p. 668. 3.

or rather to the *Council* at *Lions*, claim, *that no Legate ought to come here, but on the King's deſire, & ne quis extra Regnum trahatur in Cauſam:* which *Math. Par. left out*; but is found in Mr. *Roper's M.S.* and Mr. *Dugdale's*; as Sir *Roger Twiſden* obſerves; agreeable to one of the *Gravamina Angliæ*, ſent to the ſame *Pope* 1246. *viz. quod Anglici extra Regnum in Cauſis, Apoſtolica Authoritate trahuntur.*

Therefore, it is moſt remarkable, that at the reviſing of *Magna Charta* by *Edw.* 1. the former clauſe, *liceat unicuique &c.* was left out. Since which time, none of the *Clergy* might go beyond *Seas*, but with the *King's leave*; as the *Writs* in the *Regiſter*, and the *Acts* of *Parliament* aſſure us; and which is more, if any were in the Court of *Rome*, the *King* called them home.

Reg. 193. *Coke Inſt.* 3. *p.* 179. 12 *R.* 2. *c.* 15.

The Rich *Cardinal*, and Biſhop of *Wincheſter*, knew the *Law* in this caſe; and that no man was ſo great, but he might need *pardon* for the offence: and therefore, about 1429. cauſed a *Petition* to be exhibited in *Parliament*, that neither *himſelf*, nor any other, ſhould be troubled by the *King &c.* for cauſe of any *proviſion* or offence done by the ſaid *Cardinal* againſt any *Statute* of Proviſions *&c.* this was in the Eighth of *Henry* the Sixth, and we have a plain Statute making ſuch Appeals a *premunire* in *Edward* the Fourth. Sir *Roger Twiſden* obſerves, the truth of this *barring Appeals*, is ſo *conſtantly* averred, by all the Ancient *Monuments* of this *Nation*, as *Philip Scot*, not finding how to deny it, falls upon another way; that, if the Right of *Appeals* were abrogated, it concludes not the

Rot. Parl. 10 *Hen.* 6. *n.* 16. 9 *Ed.* 4. 3. *P.* 37.

See

See of Rome had no Juriſdiction over this Church: the *Conceſſion* gives countenance to our preſent enquiry; the *conſequence* ſhall be conſidered in its proper place.

What can be further ſaid, in pretence of a *quiet* poſſeſſion of *Appeals*, for *nine hundred* years together? ſince it hath been found to be *interrupted* all along, till within *one hundred* years before *Hen.* 8.

Eſpecially ſeeing my Lord *Bramhall* hath made it evident by clear Inſtances, that it is the *Unanimous Judgment* of all *Chriſtendom*, that, not the *Pope*, but their own *Sovereigns* in their *Councils*, are the *laſt Judges* of their *National Liberties*, *vid Bramh* p. 106. *to* 118.

SECT. II.

Of the Pope's Poſſeſſion here by his Legates; Occaſion of them; Entertainment of them.

IT is acknowledged by ſome, that citing *Engliſhmen* to appear at *Rome*, was very inconvenient; therefore the *Pope* had his *Legates* here, to execute his *Power* without that inconvenience to us.

How the *Pope* had *poſſeſſion* of this *Legantine* Power, is now to be enquired.

The Correſpondence betwixt us and *Rome*, at firſt, gave riſe to this *Power*; the *Meſſengers* from *Rome*, were ſometimes called *Legati*; though at other times *Nuncii*.

After the Erection of *Canterbury* into an *Arch-Biſhoprick*: the Arch-Biſhop, was held, *quaſi Alterius Orbis Papa*, as, *Urban.* 2. ſtiled him: he exerciſing *Vices Apoſtolicas in Anglia*; that is, uſed the ſame *Power*, within this *Iſland*, the *Pope* did in other Parts.

Malmſ. f. 127. 15.

Conſequently, if any queſtion did ariſe, the determination was in *Council*; as the depoſing *Stygand*, and the ſetling the precedency betwixt *Canterbury* and *York*. The *Inſtructions* mentioned of *Henry* the Firſt, ſay, the Right of the Realm is, that *none ſhould be drawn out of it*, *Authoritate Apoſtolicâ*, and do aſſure us, that our Ancient Applications to the *Pope* were *Acts* of *Brotherly Confidence* in the *Wiſdom*, *Piety* and *Kindneſs* of that Church; that it was *able* and *willing* to adviſe and aſſiſt us in any difficulty; and not of *obedience*, or acknowledgment of *Juriſdiction*; as appear, by that Letter of *Kenulphus &c.* to *Pope Leo* the Third, *An.* 707. *quibus Sapientiæ Clavis*, the Key of *Wiſdom*, not *Authority*, was acknowledged therein.

Wigorn. An. 1070.

Malmſ. de Reg. l. 1. *f.* 16.

Much leſs can we imagine, that the *Pope*'s *Meſſengers*, brought hither any *other* Power, than that of *Direction* and Counſel at firſt, either to the *King* or *Arch-Biſhop*; the Arch-Biſhop was, *nullius unquam Legati ditioni additus*: Therefore, none were ſuffered to wear a *Miter*, within his *Province*; or had the *Crozier* carried; nor laid any *Excommunication*, upon this ground; *in Diœceſi Archiepiſcopi Apoſtolicam non tenere Sententiam*, *Gervaſ. Col.* 1663. 55. *& An.* 1187. *Col.* 1531. 38. The Church of *Can.* being then eſteemed, *omnium noſtrum Mater Communis ſub ſponſi Jeſu Chriſti diſpoſitione*, *ibid.*

True,

True, the Pope did *præcipere*; but, that did not argue the acknowledgment of his *Power*; ſo *John Calvin* commanded *Knox*: the queſtion is, how he was *obeyed?* 'tis certain, his *Precepts*, if diſliked, were *queſtioned*, *Eadm. p. 92. 40. oppoſed Gervaſ. Col. 1315. 66.* and thoſe he ſent not permitted, to *medle* with thoſe things they came about, *ibid. Col. 1558. 54.* *Knox Hiſt. Scot. 93.*

Occaſion of Legates.

But *Hiſtorians* obſerve, that we might be wrought to better temper, ſome Perſons were admitted into the *Kingdom*, that might by *degrees*, raiſe the *Papacy* to its deſigned height: theſe were called *Legates*; but we find not any *Courts* kept by them, or any *Power* exerciſed with effect, beyond what the *King* and Kingdom *pleaſed*, which indeed was very little.

The *Pope's Legate* was at the *Council* touching the precedence of the *Arch-Biſhops*; but he ſubſcribed the *ſixteenth*, after all the *Engliſh* Biſhops, and not like the *Pope's* Perſon, or *Proctor*; as Sir *Roger Twiſden* proves, *p. 20.*

The firſt *Council*, wherein the *Pope's Legate* preceded *Arch-Biſhops*, was that of *Vienna*, a little more than three hundred years agon, *viz.* 1311. as the ſame Author obſerves; wherein he looked like the *Legate* of his *Holineſs* indeed.

But let us examine what entertainment the Power of a *Legate* found here: the *Arch-Biſhop* was jealous that a *Legate* reſiding here, would prove *in ſuæ dignitatis præjudicium*: and the *King* himſelf, was not without ſuſpitions; and therefore, would ſuffer none, ſo much as to be taken for *Pope*, but whom he approved; nor any to receive ſo much as a *Letter* from *Rome*, *Matth. Par. p. 440. 17. An. 1237.*

without acquainting him with it; and held it an undoubted Right of the *Crown*, that, *ut neminem &c. none ſhould be admitted to do the office of a Legate here, if he himſelf did not deſire it.*

Eadm. p. 125. 53. p. 6. 25. p. 113. 1.

Things ſtanding thus in 1100. the *Arch-Biſhop* of *Vienna*, coming over, reported himſelf that he had the *Legantine* Power of all *Brittain* committed uo him; but, finding no encouragement to uſe his *Commiſſion*, departed, (*à nemine &c.*) by none *received as Legate*, nor doing *any part* of that office.

Eadm. p. 58. 41.

Fourteen years after, *Paſchalis* the Second, by Letters, expoſtulates, with the *King* about ſeveral things; in particular, his *non-admitting either Meſſenger or Letter, without his leave.*

Eadm. p. 113. p. 116.

A year after, addreſt *Anſelm*, Nephew to the late *Arch-Biſhop*; ſhewing his *Commiſſion Vices gerere Apoſtolicas in Anglia*: this made known; the *Clergy* and *Nobility*, in *Council* at *London*, ſent the Arch-Biſhop to the King in *Normandy*, to make known unto him, the *Ancient Cuſtom* of the Realm; and, by his advice to *Rome*, *ut hæc nova annihilaret.*

Eadm. p. 118. 120.

After this, *An.* 1119. the *King* ſent his *Biſhops* to a *Council* held by *Calixtus* the Eleventh, at *Rhemes*, with Inſtructions, among other things, *that they ſhould humbly hear the Pope's Precepts, but bring no ſuperfluas adinventiones into his Kingdam.*

In *November* following, the *Pope* and *King* had a meeting at *Giſors* in *Normandy*; where *Calixtus* confirmed unto him his *Father*'s Uſages; in ſpecial, that of ſending *no Legate* hither, but on the *King's deſire*: and when the ſame *Pope*, not full two years after his Grant to the contrary,

trary, addreſt another *Legate* to theſe parts; the *Kings* wiſdom ſo ordered it, that (*qui Legati &c.*) he which came to do the office of a *Legate* in all *Brittain*, was ſent as he came, without doing any part of that Office. *Eadm. p.* 137, 46. *p.* 138. 21.

But it is ſaid that *Calixtus confirmed* unto the *King*, his *Fathers* uſages: Therefore, it was in the Popes power *originally* and by delegation, and not in the *King*. Accordingly in our beſt Authors, and in particular, *Eadmer*, we find theſe words; *Collata, Conceſſa, Impetrata, Permiſſa*; as is urged in anſwer to my Lord *Cook*. Obj.

Theſe words indeed intimate the Popes *kindneſs* and peaceable diſpoſition at preſent, *viz.* that he will not diſturb, but allow our enjoyment of our ancient *priviledges*: *Conceſſa, fungi permiſſa*; the ſame *Eadm.* calls *Antiqua Angliæ conſuetudo, libertas Regni p.* 118. 33, 40. Anſ.

2. The words do ſeem alſo to intimate, the Popes *claim* at that time; but the true queſtion is, about his *Poſſeſſion*; which in placing *Legates* there, was ever denied him not as a thing granted *formerly* by the Pope, but as one of the *dignitates, uſus, & conſuetudines*, as *Hen.* 1. *claimed* and *defended*.

3. Laſtly, they rather intimated the *Popes* want of power, than proved his *Authority* here: and what our *Princes* did in their own right, he would continue to them as a *Priviledge*: for no other reaſon but becauſe he could *not* take it from them; or durſt not deny it to them; ſo he dealt with *Edw.* the *Confeſſor*. *Vobis Regibus Angliæ committimus advocationem ejuſdem loci*; but long before that, our *Kings* looked upon it as

Baron. an. 1059. n. 23. as their Office, *regere populum Domini & Eccleſiam ejus*; which the Pope knew well enough. Therefore, a *Legate* landing in *England* in *Ed.* 4. *time*, was obliged to take *Oath*, that he would attempt nothing to the derogation of the *Rights* of the *King* or Crown.

Edw. 4. 16. In *Hen.* 4's *Nonage*, his *Uncle* was ſent *Legate* by *Martin.* 5. *Rich. Cawdry* the Kings *Attorney*, made *proteſtation*; that *None was to come as Legate from the Pope, or enter the Kingdom without the Kings appointment:* a Right enjoyed from all *memory.*

In the Reign of *Hen.* 5. the deſign of ſending a *Legate* from *Rome*, though it were the Kings own *Brother*, was oppoſed; the enterpriſe took no *effect* during that Kings Reign: *Vit. Arch. chic. p.* 78, 80. And in the *eleventh* of the ſame King, the *Judges* unanimouſly pronounce, *that the Statutes mentioned were only declaratory of the common cuſtom of* England. *fol.* 69, 76.

Matth. par. 1245, 1246. It was in the *Year* 1242 when the whole *State* of *England* complained of the Popes *infamous* Meſſenger, (*non obſtante*) by which *Oaths, Cuſtoms &c.* were not only *weakned* but made *void:* And unleſs the grievances were removed, *Opportebit nos ponere Murum pro domo Domini, & libertate Regni.*

Yea long after this, in the year 1343. *Edw.* 3. made his Addreſſes likewiſe to *Rome*, which the Pope branded with the Title of *Rebellion:* But to requite him, that wiſe and ſtout *Prince*, made the *Statutes of Proviſo's and Præmunire*, *Walſing. p.* 161. directly oppoſed to the *Incroachments and Uſurpations* of the *Court of Rome*; whereby he ſo abated their power in *England* for ſundry Ages following,

lowing, that a *Dean* and *Chapter* was able to deal with the Pope in *England*, and to foil him too. *an.* 1420. *Bramhall* p. 99.

The Sum is, during the Reigns of all the *Britiſh* and *Saxon* Kings, until the *Norman* Conqueſt, Legations from *Rome* were ſeldom, and but *Meſſengers:* A Legantine or *Nuncio's Court* we find not. *Gregory*, Biſhop of *Oſtium*, the Popes own *Legate*, did confeſs, that he *was the firſt Roman Prieſt that was ſent into thoſe parts of* Brittain, *from the time of St.* Auſtin. *Spel. conc. an.* 784.

When theſe *Legates* multiplied, and uſurped *Authority* over us, the *Kingdom* would not bear it; as appears by the *Statute of* Clarendon, *confirming* the *ancient Brittiſh* Engliſh *Cuſtom*, with the conſent and *Oaths* of all the *Prelates* and *Peers* of the *Realm:* and upon this *cuſtom* was the *Law* grounded, *Si quis inventus, &c. If any one be found bringing in the Popes Letter* or Mandate, let him be *apprehended*, let *juſtice paſs upon him without delay*, as a Traitor to the King and Kingdom. *Math. Par. an.* 1164. *Hoved. in Hen.* 2.

And all along afterwards we have found, that ſtill as *occaſion* required, the ſame *cuſtom* was maintained and vindicated both by the *Church* and *State* of the Realm till within an *hundred years* before *Hen.* 8.

So that the rejection of the *Popes Legate* is founded in the *ancient Right*, the *common* and *Statute* Laws of the Realm; and the *Legantine* power is a plain *Uſurpation* contrary thereunto; and was ever lookt upon as ſuch, it never having any real *poſſeſſion* among us by *Law*, or *quiet* poſſeſſion in *Fact*, for any conſiderable time together;

gether; but was ſtill interrupted by the whole *Kingdom*, by new *declaratory Laws* againſt it.

Thus, we have ſeen how the *Popes Poſſeſſion* of the formal branch of *Juriſdiction*, by *Appeals* and *Legates*, ſtood here, from St. *Auſtin* to *Hen.* 8. and that it was *quiet* and uninterrupted for *nine hundred together*, paſſeth away as a Vapour. The Contrary being evident by as *Authentick Teſtimonies* as can be deſired: and now what can be imagined to enervate them?

Obj. If it be urged that it was once in the body of our *Laws*, *viz. In Magna Charta*; *liceat unicuique de cætero exire de Regno noſtro, & redire ſalvo & ſecurè per terram & per aquam, ſalva fide noſtra, niſi in tempore Guerræ per aliquod breve Tempus*; 'tis confeſt.

Anſ. But here is no expreſſion, that plainly and in *terms*, gives licenſe of *Appeals* to *Rome*: 'Tis indeed ſaid, that it is lawful for any to go out of the Kingdom and to return ſafe: But mark the *Conditions* following, *Niſi in &c.* 'Tis likely, *theſe* words were inſerted in *favour* of *Appeals*, but it may be the Authors were timerous to word it in a more *plain* contradiction to our ancient *Liberties*.

2. The very *form* of words as they are, would ſeem to intimate that the *Cuſtom* of *England* was otherwiſe.

3. Laſtly, If it be conſidered, how *ſoon* after, and with what *unanimity* and courage our ancient *Liberty* to the contrary, was *redeemed* and vindicated; and that clauſe left out of *Magna Charta* ever ſince, though reviſed and *confirmed* by ſo *many* Kings and Parliaments ſucceſſively, it is only an argument of a ſudden and violent *torrent*

vent of Papal *Power* in King *John*'s time, &c. not of any grounded or well *ſettled Authority* in the *Engliſh Laws*, as our Engliſh *Liberties* have. I Conclude, with thoſe weighty words of the *Statute* of *Ed.* 3. *an.* 27. *c.* 1. *Having regard to the ſaid Statute made in the time of his ſaid Grandfathers, which Statute holdeth always in force, which was never annulled or defeated in any point: And for as much as he is bound by his Oath to do the ſame, to be kept as the Law of the Realm, though, that by ſufferance and negligence it hath been ſince attempted to the contrary.* Vid. *Preamble* of the *Statute*.

Whereupon, it is well obſerved, that *Queen Mary* her ſelf denyed *Cardinal Pelow* to appear as the *Popes Legate* in *England*, in her time: And cauſed all the *Sea-ports* to be ſtopped, and all *Letters*, *Briefs*, and *Bulls* to be intercepted and brought to her. *Acts & Mon.*

CHAP.

CHAP. X.

The Pope's Legiſlative Power in England *before* Hen. 8. *No Canons of the Pope oblige us without our Conſent; our Kings,* Saxons, Danes, Normans, *made Laws Eccleſiaſtical.*

WE have found poſſeſſion of the *Executive* Power otherwiſe than was pretended; we now come to conſider how it ſtood with the *Legiſlative:* the *Pope*, indeed *claimed* a Power of *making* and impoſing *Canons* upon this Church: but *Henry* the Eighth *denied* him any ſuch Power; and prohibited any *Canons* whatſoever to be *executed* here, without the *King's Licence*, *An.* 25. 19.

The queſtion now is, whether the *Pope enjoyed* that Power of making and impoſing *Canons effectually* and *quietly* here, from the time of Saint *Auguſtine* to *Henry* the Eighth, or indeed any conſiderable time together? and this would invite us to a greater Debate, who was *Supreme* in the *Engliſh* Church (the *Pope* or the *King*) during that time; or rather who had the exerciſe of the *Supremacy:* for the Power of *making Laws*, is the chief Flower or Branch of the *Supremacy*; and he that *freely*, and without interruption, *enjoyed* this Power, was doubtleſs;

leſs, in the *Poſſeſſion* of the *Supremacy*.

That the *Pope* had it not, ſo *long* and ſo *quietly*, as is pleaded by ſome; and that our *Kings* have generally enjoyed it, will both together appear with evidence enough by the Particulars following.

1. If none were to be taken for *Pope* but by the *King*'s Appointment: Sure his *Laws* were not to be received, but with the *King's Allowance*.

2. If not ſo much as a *Letter* could be received from the *Pope* without the King's *Knowledge*, who cauſed words *prejudicial* to the Crown to be renounced: Sure, neither his *Laws*.

Both the Antecedents we find in *Eadm. p.* 626. *p.* 131. 1.

3. If no *Canons* could be made here without the King's *Authority*; or being made, could have any *force*, but by the King's *Allowance* and *Confirmation*, where was the *Pope's Supremacy?* that *Canons* could not be *made* here without the King's Authority, is evident; becauſe the *Convocations* themſelves, always were, and ought to be *Aſſembled* by the *King's Writ*, *Eadm. p.* 24. 5. 11. Beſides, the *King* cauſed ſome to ſit therein, to *Supervise* the Actions: *& Legato ex parte Regis & Regni inhiberent, ne ibi contra Regiam Coronam & dignitates aliquid ſtatuere attentaret*; and when any did otherwiſe, he was forced to *retract* what he had done; as did *Peckham*: or were, *in paucis Servatæ*; as thoſe of *Boniface*, *Math. Par. An.* 1237. *p.* 447. 51. *Lindwood. c.* 1. *Gloſ.* 1. Convocations by Kings.

If *Canons* were *made*, though the Popes *Legate*,

Can. confir. by Kings.

gate, and conſequently all his power, was at the making of them; yet had they no *force* at all, as *Laws* over us, without the Kings *allowance* and confirmation: The *King* having firſt heard what was decreed, *Conſenſum præbuit authoritate Regiâ & poteſtate confirmavit Statuta concilii*, by his Kingly power he confirmed the *Statutes* of the *Council* of *William* Arch-Biſhop of *Cant.* and the *Legate* of the holy Church, celebrated at *Weſtminſter*——by the *Aſſent* of the *King*, and *primorum omnium Regni*: the Chapters ſubſcribed were *promulged. Eadm. p. 6. 29. Flor. Wigorn. an.* 1127. *p.* 505. *Gervaſe an.* 1175. *Col.* 1429. 18.

P. 19, 20.

Twiſden Concludes, as for *Councils*, it is certain, none were here called from *Rome*, till 1127. If they did come to any, as to *Calcuith*, the *King*, upon the advice of the *Arch-Biſhop*, *Statuit diem* appointed the day of the Council: So when *William* the firſt, held one at *Wincheſter*, 1070. for depoſing *Stygand*; though there came to it three ſent from *Alexan.* 2. Yet it was held, *Jubente & preſente Rege*; who was *Preſident* of it; wherein, as before was noted, the *Popes Legate* ſubſcribed the ſixteenth after all the *Engliſh* Biſhops. *Vita Lanfranci. c.* 7. *p.* 7. *Col.* 1. *d.*

Canons Kings Laws.

All our *Canons* are therefore (as they are juſtly) called, the *Kings* Eccleſiaſtical *Laws*, becauſe no *Canons* have the power of *Laws*, but ſuch as he allows and *confirms*: and whatſoever *Canons* he confirmed of old, that had their original from a *foreign* power, he allowed for the ſake of their *Piety* or *Equity*, or as a means of *Communion* with the Church from whence they came, but

but his allowance or *confirmation* gave them all the *Authority* they had in *England.*

'Tis a point ſo plain in *Hiſtory*, that it is beyond queſtion, that during all the time from St. *Gregory* to the *Conqueſt*, the *Britiſh*, *Saxon*, and *Daniſh* Kings (without any dependance on the Pope) did uſually make *Eccleſiaſtical* Laws. Witneſs, the laws of *Excombert*, *Ina*, *Withred*, *Alfrede*, *Edward Athelſtan*, *Edmond Edgar*, *Athelred*, *Canutus*, and *Edward* the *Confeſſor*; among which Laws, one makes it the *Office* of a *King*, to *Govern the Church as the Vicar of God.* Before Conqueſt.

Indeed, at laſt the Pope was officiouſly *kind*, and did beſtow after a very formal way, upon the laſt of thoſe *Kings*, *Edward* the *Confeſſor*, a *Priviledge*, which all his *Predeceſſors* had enjoyed as their own *undoubted Right* before, *viz.* the Protection of all the Churches of *England*, and *power to him and his Succeſſors the Kings of* England *for ever*; *in his ſtead, to make juſt Eccleſiaſtical Conſtitutions, with the advice of their Biſhops and Abbots.* But with thanks to his *Holineſs*, our *Kings* ſtill continued their ancient *cuſtom* which they had enjoyed *from the beginning*, in the *right* of the *Crown*, without reſpect to his *curteſie* in that matter.

After the Conqueſt, our *Norman* Kings did alſo exerciſe the ſame *Legiſlative* power in *Eccleſiaſtical Cauſes* over Eccleſiaſtical *Perſons* from time to time, with the conſent of the Lords *Spiritual* and *Temporal.* Hence all thoſe Statutes concerning *Benefices*, *Tythes*, *Advowſons*, *Lands* given in *Mortmain*, *Prohibitions*, *Conſultations*, *Præmunires*, *quare impedits*, *Priviledge* of the *Clergy*, *Extortions* of *Eccleſiaſtical Courts* or Officers, After Conqueſt.

Officers, *Regulation* of Fees, *Wages* of *Prieſts*, *Mortuaries*, *Sanctuaries*, *Appropriations*; and in ſum, as Biſhop *Bramhall* adds, *All things which did belong to the external ſubſiſtence, Regiment, and regulating of the Church*; and this in the Reigns of our beſt *Norman* Kings before the *Reformation*. Arch Biſhop *Bramh.p.*73.

But what *Laws* do we find of the Popes making in *England?* or what *Engliſh Law* hath he ever effectually *abrogated?* 'Tis true many of the *Canons* of the Church of *Rome* were here obſerved; but before they became obliging, or had the *force* of Laws, the *King* had power in his great *Council* to receive them, if they were judged *convenient*, or if otherwiſe to *reject* them.

'Tis a notable *inſtance* that we have of this, in *Ed.* 3. time: When ſome *Biſhops* propoſed in *Parliament*, the reception of the *Eccleſiaſtical Canon*, for the *legitimation* of Children, born before Marriage; all the *Peers* of the *Realm* ſtood up, and cried out with one voice, *Nolumus leges Angliæ mutari*; we will not have the Laws of *England* to be changed: A clear evidence, that the *Popes Canons* were not *Engliſh Laws*, and that the *Popiſh Biſhops* knew they could not be ſo, without the *Parliament*.

20 *Ed.* 3. c. 9.

Likewiſe, the *King* and *Parliament* made a *legiſlative expoſition*, of the *Canon* of the Council of *Lions*, concerning *Bigamy*, which they would not have done had they not thought they had *power* according to the fundamental *Laws* of *England*, either to *receive* it or *reject* it.

4 *Ed.* 1. c. 5.

Theſe are plain and undeniable evidences, that when *Popery* was at higheſt, the *Popes Supremacy* in making *Laws* for the *Engliſh* Church was

was very *ineffectual*, without the countenance of a greater and more powerful, *viz.* the *Supremacy* of our *own Kings*.

Now, admit that during ſome little ſpace, the Pope did *impoſe*, and *England* did *conſent* to the authority of his *Canons*; as indeed the very *rejecting* of that authority, intimates: yet that is very ſhort of the *Poſſeſſion* of it, without interruption, for *nine hundred* years together; the contrary being more than evident. Obj. Conſent admitted.

However, this *Conſent* was given either by *Permiſſion* or *Grant*: If only by *Permiſſion*, whether through *Fear* or *Reverence*, or *Convenience*, it ſignifies nothing, when the *King* and Kingdom ſee cauſe to vindicate our ancient *Liberties*, and reſolve to endure it no longer. By Permiſſion.

If a *Grant* be pretended, 'twas either from the *King alone*; or joyned with his *Parliament*. If from the King *alone*, he could grant it for *his time* only, and the power of *reſuming* any part of the *prerogative* granted away by the *Predeceſſors*, accompanies the *Crown* of the *Succeſſors*; and *fidelity* to his Office and Kingdom, obligeth him in *Juſtice* to retrieve and recover it Or by Grant.

I believe none will undertake to affirm, that the *Grant* was made by the *Law*; or the King, with his *Parliament*: Yet if this ſhould be ſaid and proved too; it would argue very little to the purpoſe; for this is to *eſtabliſh Iniquity by a Law*: The Kings *Prerogative*, as Head of this Church, lieth too deep in the very *conſtitution* of the Kingdom, the *foundation* of our *common Law*, and in the very Law of *Nature*; and is no more at the will of the *Parliament*, than the *fundamental* liberties of the *Subject*.

Laſtly, the ſame Power that *makes*, can *repeal* a Law: if the Authority of Papal Canons had been acknowledged, and ratified by *Parliament*, which cannot be ſaid; 'tis moſt certain, it was *revoked*, and renounced, by an *equal Power*, *viz.* of *Henry* the Eighth, and the whole Body of the *Kingdom*, both *Civil* and *Eccleſiaſtical*.

It is the Reſolution both of *Reaſon* and *Law*, that no Preſcription of time can be a bar to the *Supreme Power*; but, that, for the Publick good it may *revoke*, any *Conceſſions*, Permiſſions or Priviledges: thus it was declared in *Parliament* in *Edward* the Third his Reign, when reciting the *Statute* of *Edward* the Firſt; they ſay, the *Statute holdeth alway his force*; *and that the King is bound by Oath, to cauſe the ſame to be kept, (and conſequently, if taken away, to be reſtored to its Obſervation) as the Law of the Land*: that is, the Common, Fundamental, *unalterable*, Law of the Land.

Beſides, the Caſe is moſt clear, that when *Henry* the Eighth began his Reign, the *Laws* aſſerting the *Supreme Authority* in Cauſes, and over Perſons Eccleſiaſtical, were *not altered* or repealed; and *Henry* the Eight uſed his *Authority* againſt *Papal Incroachments*, and not againſt, but according to the *Statute*; as well as the *Common* Law of the *Land*: witneſs all thoſe Noble *Laws of Proviſors* and *præmunire*, which, as my Lord *Bramhall* ſaith, we may truly call, the *Palladium which preſerved it from being ſwallowed up in that vaſt gulph of the Roman Court made by* Edw. 1. Edw. 3. Rich. 2. Hen. 4.

25 *Ed.* 1.
27 *Ed.* 3.
2 *Hen.* 4. c.
3, 4. 7 *Hen.* 4. c. 5.

CHAP. XI.

CHAP. XI.

Of the Power of Licences &c. here; in Edw. 3. Rich. 2. Hen. 4. Hen. 5. Hen. 6. Hen. 7.

THough, the *Pope* be denied the *Legiſlative* and *Judiciary* or Executive Power in *England*; yet, if he be allowed his *Diſpenſatory* Power, that will have the effect of *Laws*; and fully ſuperſede or impede the *Execution* of Laws, in *Eccleſiaſtical* Cauſes, and upon Eccleſiaſtical Perſons.

'Tis confeſt, the *Pope* did uſurp and exerciſe this *ſtrange Power*, after a wonderful manner in *England* before *Henry* the Eighth; by his *Licences*, *Diſpenſations*, *Impoſitions*, *Faculties*, *Grants*, *Reſcripts*, *Delegacies*, and other ſuch kind of *Inſtruments*, as the Statute 25 *Hen.* 8. 21. mentions; and that this *Power* was *denied* or taken from him by the ſame *Statute*; as alſo by *another*, 28 *Hen.* 8. 16. and placed in, or rather, *reduced* to the Juriſdiction of the *Arch-Biſhop* of *Canterbury*, ſaving the Rights of the See of *York*, in all Cauſes convenient and neceſſary for the Honour and Safety of the *King*; the Wealth and Profit of the *Realm*; and not repugnant to the Laws of *Almighty God*.

The *Grounds* of removing this *Power* from the *Pope*, as they are expreſſed in that excellent *Preamble* to the ſaid *Statute*, 25 *Hen.* 8. are

worthy our Reflexion: they are.

1. The *Pope's Usurpation* in the Premises.

2. His having obtained an *Opinion* in many of the people, that he had full *Power* to *dispence* with all *humane* Laws, Uses, and Customs, in all Causes Spiritual.

3. He had *practised* this strange Usurpation for many years.

4. This his practice was in great *derogation* of the Imperial *Crown* of this Realm.

5. *England* recognizeth no *Superior*, under God, but the *King* only; and is free from Subjection to any Laws, but such as are ordained within this *Realm*; or admitted *Customs* by our own Consent and Usage, and not as Laws of any *Forreign* Power.

6. And lastly, that according to *Natural* Equity, the whole State of our Realm in *Parliament*, hath this Power in it, and peculiar to it; to *dispence* with, alter, Abrogate *&c.* our own Laws and Customs, for Publick good; which Power appears by wholsom *Acts* of Parliament, made before the Reign of *Henry* the Eighth, in the time of his *Progenitors*.

For these Reasons, it was Enacted in those Statutes of *Henry* the Eighth. *That no Subject of* England *should sue for Licences &c. henceforth to the Pope, but to the Arch-Bishop of* Canterbury.

Now, 'tis confessed before, and in the *Preamble* to the *Statute*, that the *Pope* had *used* this Power for many years: but this is noted as an *Aggravation* of the *Grievance*, and one Reason for Redress; but whether he enjoyed it from the time of Saint *Austine*, or how long *quietly*

is

is the proper queſtion; eſpecially ſeeing the *Laws* of the Land, made by King *Henry's Predeceſſors*, are pleaded by *him* in contradiction to it.

Yea, who will come forth, and ſhew us *one Inſtance* of a *Papal* Diſpenſation in *England* for the firſt *eleven hundred* years after Chriſt? if not, *five hundred*, of the *nine* hundred years Preſcription, and the *firſt* five hundred too, as well as the *firſt eleven* hundred of the *fifteen*, are loſt, to the *Popes*, and gained to the *Preſcription* of the *Church* of *England*: But, No Inſtance 1110 years after Chriſt.

Did not the Church of *England*, without any reference to the *Court of Rome*, uſe this Power during the *firſt eleven* hundred years; what man is ſo hardy as to deny it, againſt the multitude of plain Inſtances in *Hiſtory*?

Did not *our Biſhops* relax the Rigor of Eccleſiaſtical *Canons*? did not all Biſhops, all over the Chriſtian World, do the like before the Monopoly was uſurped?

In the *Laws* of *Alured* alone, and in the conjoynt Laws of *Alured* and *Gunthrun*, how many ſorts of *Eccleſiaſtical* Crimes were *diſpenſed* with, by the Sole Authority of the *King* and *Council* of *England*, and the like we find in the Laws of ſome other *Saxon* Kings. *Gervis Dorobr.* p. 1648. *Spel. Conc. p.* 364. &c.

Dunſtan the Arch Biſhop, had *Excommunicated* a great *Count*; he made his peace at *Rome*; the *Pope* commands his *Reſtitution*: *Dunſtan* anſwered, I will *obey the Pope* willingly, when I ſee him *penitent*; *but it is not God's will that he ſhould lie in his ſin, free from Eccleſiaſtical Diſcipline, to inſult over us. God forbid that I ſhould relinquiſh the* Law of Chriſt *for the Cauſe of any* *Ibid. p.* 481.

Mortal man: this great Instance doth two things at once; justifieth the *Arch-Bishops*, and destroyeth the *Pope's Authority* in the Point.

The Church of *England* dispensed with those irreligious *Nuns*, in the days of *Lanfrank* with the *Council* of the *King*; and with Queen *Maud*, the Wife of *Henry* the First, in the like Case, in the days of *Anselm*, without any Suit to *Rome*, or *Forreign* Dispensation, *Lanfr. Ep.* 32. *Eadm. l.* 3. *p.* 57. These are great and notorious and certain Instances; and when the *Pope* had usurped this Power *afterwards*.

As the *Selected Cardinals* Stile the avaritious Dispensations of the *Pope*, *Sacrilegious & Vulnera Legum*; so our *Statutes* of Provisors expresly say, they are the undoing and *Destruction of the Common Law* of the Land: accordingly. *25 Ed. 3.*

The *King*, *Lords* and *Commons*, complained of this abuse, as a *Mighty Grievance*; of the frequent coming among them, of this *Infamous* Messenger the Pope's *non-obstante*, that is, his *Dispensations*; by which, *Oaths*, *Customs*, *Writings*, *Grants*, *Statutes*, *Rights*, *Priviledges*, were not only weakned, but made *void*. *Math. Par. An.* 1245.

Sometimes these dispensative *Bulls* came to *legal Trials*: *Boniface* the Eighth dispensed with the *Law* where the Arch-Bishop of *Canterbury* was *Visitor* of the University of *Oxford*; and by his *Bull* exempted the *University* from his Jurisdiction, and that *Bull* was decreed *void* in *Parliament* by two Successive *Kings*; as being obtained to the *prejudice* of the Crown, the weakning of the *Laws* and Customs of the Kingdom, and the probable *Ruine* of the said University, *Ex Arch. Tur. Londini. Ex Antiq. Acad. Cant. lib. f.* 91.

In

In interruption of this Papal *Uſurpation*, were thoſe many Laws made in 25 *Edw.* 1. and 35 *Edw.* 1. 25 *Edw.* 3. and 27 and 28 *Edw.* 3. and afterwards more expreſly in the ſixteenth of *Richard* the Second, where complaining of *Proceſſes* and *Cenſures* upon *Biſhops* of *England*, becauſe they executed the *King*'s Commandments, in his Courts; they expreſs the miſchiefs to be the *Diſinheriſon of the Crown*; the *Deſtruction of the King*, Laws, and *Realm*: that the Crown of *England* is ſubject to *none under God*; and both the *Clergy* and *Laity* ſeverally and ſeverely proteſt to defend it, againſt the *Pope*; and the ſame King conteſted the Point himſelf with him, and would not yield it. *Et* 12 *Rich.* 2.

An *Excommunication* by the Arch-Biſhop, albeit it be diſanulled by the *Pope*, is to be allowed by the *Judges* againſt the *Sentence of the Pope*, according to the 16 *Edw.* 3. *Tit. Excom.* 4. Lord *Coke*. *Cawdrie*'s Caſe.

For the Pope's *Bulls* in ſpecial, our *Laws* have abundantly provided againſt them; as well in caſe of *Excommunication*, as *Exemption*. *vid.* 30 *Edw.* 3. *lib. Aſſ. pl.* 19. and the abundant, as is evidenced by my Lord *Coke* out of our *Engliſh* Laws, in *Cawd.* Caſe *p.* 15. he mentions a particular Caſe, wherein the *Bull* was pleaded for *Evidence*, that a Perſon ſtood *Excommunicate* by the *Pope*; but it was *not* allowed; becauſe *no Certificate* appeared from any *Biſhop* of *England*, 31 *Edw.* 3. *Title Excom.* 6. The ſame again, 8 *Hen.* 6. *fol.* 3. & 12 *Edw.* 4. *fol.* 16. & *R.* 3. & 1 *Hen.* 7. *fol.* 20.

So *late* as *Henry* the Fourth, if any Perſon of Religion, obtain of the Biſhop of *Rome* to be *Exempt* from *Obedience*, Regular or Ordinary, he *Stat.* 2 *Hen.* 4. *c.* 3.

he is in caſe of a *præmunire*; which is an offence *contra Regem, Coronam & dignitatem ſuam.*

Hen. 5. Again, more plain to our purpoſe, in *Henry the Fifth*'s time, after great Complaint in *Parliament*, the *Grievances*, by reaſon of the *Pope's licences* to the contrary, it was *enacted* that the *King*, willing to avoid ſuch Miſchiefs, hath ordained and eſtabliſhed, that all *Incumbents by the Patronage of Spiritual Perſons, might quietly enjoy their Benefices without being inquieted, by any colour of Proviſions, Licences and Acceptations by the Pope: and that all ſuch Licenſes and Pardons upon, and by ſuch Proviſions made in any manner, ſhould be void and of no valour; and that the Malefactors by virtue thereof incur the puniſhments contained in the Statutes of Proviſors before that time made.*

3 Hen. 5. c. 4.

9 Hen. 6. fol. 16. *The King only may grant or licence,* to found *a Spiritual Corporation* as it is concluded by our *Law*, even in *Henry* the Sixth's time.

1 Hen. 7. fol. 20. Further, in *Edward* the Fourth's Reign, the *Pope* granted to the *Prior of Saint Johns* to have a *Sanctuary* within his *Priory*; and this was *pleaded* and *claimed* by the Prior; but it was reſolved by the *Judges*, that *the Pope had no power to grant any Sanctuary within this Realm; and by Judgment of the Law it was diſallowed.*

We have thus, fully I hope, juſtified the words of the *Statute* of *Henry* the Eighth; that the *Laws* made in the times of his *Predeceſſors*, did in *effect* the ſame things: Eſpecially thoſe of *Edw.* 1. *Edw.* 3. *Rich.* 2. *Hen.* 4. which that Parliament, 24 *Hen.* 8. *c.* 12. refer us to, expreſly and *particularly*; and how ſmall time is left, for the *Pope's Preſcription* (if any at all for his *quiet poſſeſſion*)

poſſeſſion) of the power of *licences* in *England*. Yet it is conſeſt, he had uſurped, and by *ſeveral inſtances* been heedleſly, or timerouſly *permitted*, to exerciſe ſuch a *Power*, for many years together, as the *Parliament* acknowledgeth; though, contrary to the Ancient *Liberty*, the *Common Law*; and ſo many plain *Decrees* of our *Judges*, and *Statutes* of the Land from Age to Age, as have appeared.

CHAP. XII.

CHAP. XII.

Of the Patronage of the Engliſh Church, in our Kings, by Hiſtory. Law.

THis Flower of the *Crown* was derived from our ancient *Engliſh* and *Britiſh* Kings to *William* the Conqueror, *William Rufus*, and *Hen.* 1. who enjoyed the *Right* of placing in *vacant Sees*, by the *Tradition* of a *Ring* and a *Crocier Staff*, without further *Approbation*, Ordination, or Confirmation from *Rome*; for the firſt *eleven hundred years*. Indeed, then *Hildebrand*, and after *Calixtus* did condemn and prohibit all *Inveſtitures* taken from a *Lay-hand*.

That, before *Hildebrand*, this was the undoubted right of the *Crown*, is evident both by *Hiſtory* and *Law*.

For *Hiſtory*, we find *Malmſ.* notes, that King *Edgar* did grant to the *Monks* of *Glaſtenbury* the free *Election* of their Abbot for ever: But he reſerved to himſelf and his Heirs, the power to *inveſt* the Brother *elected* by the *Tradition of a Paſtoral Staff. Malmſ. de geſt. R. l.* 2. *c.* 8.

Therefore *Ingulf* the Abbot of *Crowland*, in the time of the *Conqueror*, ſaith, for many years, (he might have ſaid Ages) *paſt*, there hath been no free Election of *Prelates*; but the *Kings* Court did *confer* all dignities, by a *Ring* and a *Crocier Staff*. *Ibid.*

Lanfrank deſired of *William* the Conqueror, the

the *Patronage* of the *Abby* of St. *Auſtin*; but the *King* anſwered, *ſe velle, &c. that he would keep all the Crociers Staffs* (*i. e.* Inveſtitures) *in his own hand.* The ſame is teſtified of *Anſelm* himſelf by *Eadm.* He after the manner and example of his *Predeceſſor*, was inſtructed according to the cuſtom of the Land; and did *homage* to the *King*, as *Lanfrank* his Predeceſſor, in the See of *Canterbury*, in his time had done; and *William* the Agent of *Hen.* 1. proteſted openly to *Pope Paſchal*, ——*I would have all men here to know, that my Lord the King of* England *will not ſuffer the loſs of his Inveſtitures, for the loſs of his Kingdom.* Indeed Pope *Paſchal* was as *reſolute*, though it be ſaid, not ſo *juſt* in his anſwer. I ſpeak it before God, *Paſchal* the Pope will not ſuffer him to keep them without puniſhment; no not for the *Redemption* of his *Head.* *Eadm. l. 3. p. 73.*

Here was indeed a *demand* made, with confidence and courage; but, had that Pope no better Title than that of *Poſſeſſion* to claim by, he had certainly none at all: For, as *Eadm.* concludes, the caſe ſeemed a *new thing* (or Innovation) to this our Age; and *unheard* of, to the *Engliſh*, from the time that the *Normans* began to Reign, (that, I ſay *not ſooner*) *for from the time that* William *the* Norman *conquered the Land, no Biſhop or Abbot was made,* (*before* Anſelm) *who did not firſt do homage to the King; and from his hand by the gift of a Crocier Staff, receive the inveſtiture to his Biſhoprick or Abbacy, except two Biſhops of* Rocheſter, *who were Surrogates to the Arch-Biſhop; and inducted by him by the Kings leave.* *Eadm. vit. in Præf. p. 2.*

Indeed, now the Pope began to take upon him in earneſt; and to require an *Oath* of Fidelity

lity of the *Arch-Bishop* when he gave him the *Pall*; and to deny that *Pall* if he would not take it. A *new Oath* never before heard of, or practised: An Oath of *Obedience* to himself; as it it is expresly called, in the *Edition* of *Gregory* 13. An *Oath* not established by any *Council*, but only by *Papal Authority*, by *Paschalis* himself, as *Gregory* the *Ninth* recordeth.

This *Oath*, at first, though new, was modest; bounding the *Obedience* of the *Arch-Bishops* only by the *Rules* of the holy *Fathers*; as we find in the old *Roman Pontifical*: But it was quickly changed from *Regulas Sanctorum Patrum*, to *Regalia Sancti Petri*: The change, as my Lord *Bramhall* observes, not great in *words*, but in *Sence*, *abominable*.

P. 320. Twisd. p. 47. *Bellarmine* would persuade us, that the *like Oath* was given, in *Gregory* the firsts time; but that was nothing like an *Oath* of *Obedience*, and was only an Oath of *Abjuration* of *Heresie*; not imposed but taken *freely*, no *common Oath* of *Bishops*, nor any thing touching the *Royalties* of St. *Peter*, as may be seen *Greg. Epist.* 1. 10. *Ep.* 30. *Indic.* 5.

About an *hundred* years after, in the time of *Gregory* the *Ninth*, they extended the *subjects* of the Oath, as well as the *matter*; enlarging it from *Arch-Bishops* to all *Prelates*, *Bishops*, *Abbots*, *Priors*, and now they cry up the *Canons* above all *Imperial Laws*.

But to decide this point of swearing *Allegiance* to the Pope; which could not be done without going in person to *Rome*; it is sufficient that by all our *Laws*, no *Clergyman* could go to *Rome* without the *Kings Licence*; and that by an

an ancient *Brittannick Law*; if *any ſubject enter into League with another (Prince) profeſſing Fidelity and obedience to any one (beſides the King) let him looſe his head.* Hect. Boeth. Hiſt.

But, let us admit, that the Pope *eleven hundred* years after Chriſt, got *poſſeſſion* of the *Engliſh* Church, and the *Conſcience* of the Biſhops by *Inveſtiture* and *Oaths*; who will ſhew us that he had it *ſooner?* who will maintain that he kept it *quietly* till *Hen.* 8?

This laſt point will be clear, by examining our *Laws*, the ſecond Topick propounded at the beginning of this diſcourſe: For if his *Poſſeſſion* were good, it was ſetled in *Law*; and if *quiet*, the Laws were not made to *oppoſe* it, by the great *States* of the Kingdom. 2. Law.

My Lord *Bramhall* hath produced three great *Laws*, as ſufficient to determine this Controverſie; whether the *King* or the Pope be *Patron* of the *Engliſh* Church; the Aſſize of *Clarendon*, Statute of *Carliſle*, and of *Proviſors*. The firſt tells us plainly, that the *Election of an Arch-Biſhop, Biſhop, Abbot and Prior was to be made by the reſpective dignitaries upon the Kings calling them together to that purpoſe; and with the Kings conſent.* And then the Perſon *elected*, was preſently to do *homage* to the *King* as his Liege Lord. 1. Clarendon.

And that this method was excluſive of the Pope, that of *Carliſle* is very diſtinct: The *King is the founder of all Biſhopricks, and ought to have the cuſtody of them in the Vacances, and the Right of Patronage to preſent to them*; and that the Biſhop of *Rome* uſurping the *right* of Patronage, giveth them to *Aliens*. That this tendeth to *Annullation of the State of holy Church; to the diſ-* In Ed. 1. 2. Carliſt.

inheriting

inheriting of Kings; and the destruction of the Realm. This is an *Oppression, and shall not be Suffered.*

Provisors. The Statute of *Provisors.* 15. *Ed.* 3. affirms, that *Elections were first granted by Kings Progenitors, upon Condition to demand Licence of the King to Chuse,* and, after the Election, *to have the Royal Assent. Which Conditions not being kept; the thing ought by reason to return to its first Nature.* And therefore they conclude, that in *Case, Reservation, Collation or Provision be made by the Court of Rome, of any Arch-Bishoprick* &c. *The King and his Heirs shall have the Collations for the same time, such as his Progenitors had before the free Elections were granted.*

And they tell the *King plainly,* that the *Right of the Crown is such, and the Law of the Land too, that the King is* bound *to make Remidies and Laws, against such Mischiefs.* And acknowledg that he is Advower Paramont, *immediate of all Churches, Prebends, and other Benefices, which are of the Advowrie of holy Church. i. e.* Soveraign patron of it.

Wil. 1. 7. *Ed.* 3. *tit. qu. i. c. p.* 19. My Lord *Coke,* more abundantly, adds, the *Resolutions* and Decrees of the *Law,* to confirm us in the Point. In the time of *William* the *first,* it is agreed *that no man only can make any Appropriation of any Church having cure of Souls, but he that hath Ecclesiastical Jurisdiction:* but *William* the *first* did make such *Appropriations,* of himself without any other.

Ed. 1. *Edward* the *first* presented his *Clerke*; who was refused by the *Arch-Bishop*; for that the *Pope* by way of Provision, had conferred it on another. The *King* brought his *quare non admisit;*

misit, the *Arch-Bishop* pleaded the *Supremacy* of the Pope; and that he durst not, nor had power to put him out, which was by the *Popes Bull* in *Possession*, for which—by *judgment* of the Common *Law*, the *Lands* of his whole *Bishoprick* were *seized* into the *Kings* hands, and lost during his life: And my Lord *Coke*'s Note upon it is, that this Judgment was before any *Statute* was made in that *Case*.

In the Reign of *Edw.* 3. it is often resolved, that all the *Bishopricks* within *England*, were *founded* by the *Kings* Progenitors; and therefore, the *Advowsons* of them all belong to the *King*; and at the first they were *Donative*: And that if any *Incumbent* dye, the Lapse comes to the *Bishop*, then to the *Arch-Bishop*; and lastly, by the *common Law* to the King, as to the *Supreme* within his own Kingdom, and not to the Bishop of *Rome*. *Ed.* 3.

This *King* presented to a *Benefice*, his Presentee was disturbed by one that had obtained *Bulls* from *Rome*; for which offence he was condemned to *perpetual Imprisonment*. 21 *Ed.* 3. 40. *f.* 40.

It is no small spice of the *Kings* Ecclesiastical Patronage, that we find, the *King* made Canons *secular* to be *Regular*; and that he made the *Prior* and Covent of *Westminster*, a distinct *Corporation* from the *Abbot*. 38. *li. Ass. pl.* 22. 49. *Ed.* 3. *l. Ass. pl.* 8.

But more full is the case of *Abbot Moris*, who sent to *Rome* to be confirmed by the Pope; who by his *Bull* sleighted the *Election* of *Moris*; but gave him the *Abby*, of his *spiritual Grace*, and at the *request* (as he feigned) of the King of *England*. This *Bull* was read and considered of in 46 *Ed.* 3. *Tit. Præm.* 6.

Council, that is, before all the *Judges of* England; and it was reſolved by them all; that this *Bull* was againſt the *Laws* of *England*; and that the *Abbot* for obtaining the ſame, was faln into the *Kings mercy*: whereupon all his *Poſſeſſions* were *ſeiz'd* into the Kings hands.

12 *Rich.* 2. *Tit. Juris.* 18. In the Reign of *Richard* the Second; one ſued a *proviſion* in the Court of *Rome*, againſt an *Incumbent*, recovered the Church; brought an action of account for *Oblations*, *&c.* but the *whole Court* was of opinion againſt the *Plaintiff*; and thereupon he was *non-ſuit*. *Vid. Stat.* 16. *Rich.* 2. *c.* 5. againſt all *Papal* Uſurpations; and this in *particular*; the pain is a *præmunire*.

11 *H.* 4. *f.* 69, 70. In *Hen.* 4*s* Reign, the *Judges* ſay that the *Statutes* which reſtrain the *Popes Proviſions* to the *Benefices* of the *Advowſons* of ſpiritual men, were made; for that the *ſpirituality* durſt not in their juſt cauſe ſay againſt the Popes *Proviſions*; ſo as thoſe Statutes were made but in affirmance of the *common Laws*.

Now what remains to be pleaded in behalf of the *Popes Patronage* of our Church, at leaſt as to his poſſeſſion of it, againſt ſo many plain and great *Evidences* both of *Law* and *Deed*?

All pretences touching the Popes giving the *Pall* are more than anticipated: For it is not to be denied, but that was not held *neceſſary*, either to the *conſecration*, *confirmation*, or *inveſtiture* of the very Arch-Biſhop before *Anſelm*'s time: Yea 'tis manifeſt that *Lanfrank*, *Anſelm*, and *Raulf* did dedicate Churches, *conſecrate* Biſhops and Abbots, and were called *Arch-Biſhops*, while they had no *Pall*, as *Twiſden* proves out of *Eadmer*. P. 147.

We

We never read, that either *Laurentius* or *Milletus* received the *Pall* from *Rome*, who, no doubt, were as lawful *Arch-Bishops* as *Austin*. *Girald* and *Hoveden* both give us an account, that *Sampson* of St. *Davids* had a *Pall*, but do not say from *Rome*; and, though in the time of infection, he carried it away with him. After *Paulinus*, there are five in the Catalogue of *York*, expressly said to have wanted it (and *Wilfred* was one of them) yet are reputed both *Arch-Bishops* and *Saints*; and of others in that *series*, it is not easie to prove they ever used it; nor *Adilbaldus*, till the fourth year after his *Investiture*. And *Gregory* the Great saith, that it ought not to be given, *nisi fortiter Postulanti*. What this *Honorary* was anciently, seems uncertain; but 'tis most certain, it could evacuate the Kings *Legal* and natural *Patronage* of our Church; or discharge the *Bishops* from their dependance on, and *Allegiance* to his *Crown*. *Vid. Twisd. ibid.*

'Tis true indeed, when Pope *Nicolaus* could not deny it, he was graciously pleased to grant this *Patronage* to *Edward* the *Confessor*: *Vobis & posteris, &c. committimus advocationem, &c.* We commit the *Advowson* of all the Churches of *England* to you and your *Successors*, Kings of *England*: It might have been replied, *Nicolaus Papa hoc domino meo privilegium, quod ex Paterno jure susceperat præbuit*, as the *Emperors Advocate* said. *Rymer. an.* 1059. n. 23.

This is too *mean* as well as too *remote* a spring of our *Kingly* power in the Church of *England*, though it might, *ad hominem*, sufficiently supersede (one would think) all *Papal practises* against so plain and full a grant: if any thing passed by

it, certainly it muſt be that very *power* of Advowſon, that the Popes afterwards ſo much pretended, and our *Laws* (mentioned) were made on purpoſe to oppoſe them in.

We ſee no reaſon therefore, againſt the Statute of *Hen.* 8. ſo *agreeable* to the ancient *Rights* and *Laws* of this Realm: *Be it enacted*, that no perſon ſhall be *Preſented*, *Nominated*, *or Commended to the Pope*, *to or for the dignity of an Arch-Biſhop or Biſhop within this Realm*, *nor ſhall ſend or procure thence for any manner of Bulls*, *Briefs*, *Palls*, *or other things requiſite for an Arch-Biſhop or Biſhop.* ——*all ſuch*, *viz.* Applications and Inſtruments, *ſhall utterly ceaſe and no longer be uſed within this Realm*; and ſuch as do *contrary to this Act*, *ſhall* 25, 26. *run in danger of the Statutes of Proviſion and Præmunire.*

CHAP.

CHAP. XIII.

Of Peter-Pence, *and other Moneys formerly paid to the Pope.*

UPon Complaint, by *Parliament* in *Henry* the Eighth's Reign, of *intolerable exactions* of great Sums of money by the Pope; as well in *Penſions, Cenſes, Peter-pence, Procurations, &c.* and for infinite ſorts of *Bulls, &c.* otherwiſe than by the *Laws* and Cuſtoms of the Realm ſhould be permitted; It *was enacted, that no Perſon ſhould thence-forth pay any ſuch Penſions,* Peter-*pence,* &c. *but that all ſuch payments ſhould thence-forth clearly ſurceaſe, and never more be levied, taken, or paid*; and all *Annates, or Firſt-Fruits and Tenths of Arch-Biſhops and Biſhops were taken away, and forbidden to be paid to the Pope,* the year *before.* 25 *Hen.* 8. 20. 25 *Hen.* 8. 21.

Our *Payments* to the Court of *Rome,* ſeem to have been of *four* ſorts; *Peter-pence, Firſt-Fruits and Tenths*; *Caſual,* for *Palls, Bulls, &c.* and *extraordinary* Taxations: briefly, of each.

1. For *Peter-pence*; (the only *Ancient* payment) it was, at firſt, given and received as an *Alms*; *Eleemoſina Beati* Petri, ſaith *Paſchalis* 2. *Ep. Hen.* 1. *apud Eadm. p.* 113. 27. Perhaps, rendred out of *Gratitude* and *Reverence* to the *See of Rome*; to which *England* was, no doubt, frequently obliged, for their *care* and *Council,* and other aſſiſtances; and by *continuance*, this *Alms* and gratitude, obtained the name of *Peter-pence.*

Rent: and was Metaphorically called, ſometimes, *Tributum*, but never anciently underſtood to acknowledge the *Pope* as Superior *Lord* of a *Lay-fee*.

Wil. Twiſd. p. 75.

But, when the *Pope* changed *Advice* into *Precept*, and *Counſel* into *Law* and Empire; and required *Additions*, with other grievous *Exactions*, unto his *Peter-pence*; it was a proper time to be better *adviſed* of our ſelves, and not to encourage ſuch a wild *Uſurpation* with the continuance of our *Alms* or gratitude.

This *Alms* was firſt given by a *Saxon* King: but by whom, it is not agreed; but that there was no *other* payment beſides this, made to *Rome* before the year 1246. appears: for that, though there was much complaint and controverſie about our *payments*, we find the omiſſion of *no* payment inſtanced in, but of that *duty* only; neither do the *Body* of our Kingdom in their *Remonſtrance* to *Innocent* the Fourth 1246. mention *any* other, as claimed from hence to *Rome*.

Yet *this* payment, as it was not from the *beginning*, and as it was, at firſt, but an *Alms*; ſo it was not *continued* without ſome *interruptions*, when *Rome* had given Arguments of ſufficient provocation, both in the times of *William* the Firſt, and *Henry* his Son, and *Henry* the Second: this latter, during the Diſpute with *Becket* and *Alex.* 3. commanded the *Sheriffs* through *England*, that *Peter-pence* ſhould be gathered and kept, *quouſque inde Dominus Rex voluntatem ſuam præceperit.*

Hiſtorians obſerve that *Edward* the Third, during the *French* war gave command, that *no*

Peter-

Peter-pence ſhould be gathered or paid to Rome; and the Reſtraint continued *all* that *Prince's time*, for his *Succeſſor Richard* the Second, at the beginning of his Reign, cauſed *John Wickliff* to conſider the Point, who concludes, thoſe payments being no other than *Alms*, the *Kingdom* was not obliged to continue them longer, than it ſtood with its *Convenience*, and not to its detriment or *Ruine*, according to the Rule in *Divinity*, *extra Caſus Neceſſitatis & Superfluitatis Eleemoſyna non eſt in præcepto.* *Stow An.* 1365. *Vid. Twiſden. p. 76.*

Indeed, in the *Parliament*, held the ſame year, the queſtion was made, and a *Petition* preferred (which ſurely was ſome kind of *diſturbance* of the payment) againſt them, with no *effect*: the *King* reſtored them, and the payment of them *continued* till *Hen.* 8.

So much for *Peter-pence*; for the other payments, *viz. Firſt-Fruits and Tenths*, and the *Caſual* payments, for *Bulls*, &c. they ſo evidently depend on the *Pope's Supremacy* for *Legiſlation*, *Juriſdiction*, and *Diſpenſation*, that they are juſtly denied with it; however, we ſhall briefly examine the *Riſe* and the *Poſſeſſion* of them. 2. *Firſt-Fruits.*

For the *Annates* and Tenths, which the Pope received from our *Arch-Biſhops* and Biſhops, the Hiſtorians agree, that *England*, of all Nations, never ſubmitted to the full extent of the *Papal Commands* or Expectations; which no doubt, was occaſioned by the good *Laws* made here againſt them. *Clemang. Platina. Pol. Virg.*

There is difference amongſt *Writers*, in whoſe time the *Firſt-Fruits* began to be taken *Theodoricus* a *Niem* ſaith, *Boniface* 9. about the *Tenth* year of his Government was the *firſt* *De Scyſm. 6. lib. 2. c. 9.*

Antiq. Brit. de invent. Rer. l. 8. c. 2. that reſerved them; with whom *Platina* agrees, and *Polid. Virgil*, and many others, as *Twiſden* notes; and *Walſingham* reduces them but to 1316. *Hiſt. An.* 1316. p. 84, 85.

But the queſtion is, *how long* the *Pope* quietly enjoyed them? the *Kingdom* was ſo intolerably burthened with *Papal* Taxes, before (of which we ſhall ſpeak hereafter) and theſe, *First-Fruits* and Tenths, being a *Remembrance* of thoſe extraordinary Taxes, and a way deviſed to ſettle and continue them upon us, they were preſently felt and *complained* of. The *Parliament* complained in *general* of ſuch oppreſſions, 25 *Edw.* 3. *An.* 1351. and again more *particularly*, among other things of *First-Fruits* in the fiftieth of *Edward* the Third, and deſire his *Majeſty*, *no Collector of the Pope may reſide in* England.

Rot. Parl. n. 105, 106.

The *King* not complying, they, again, inſtance the year following, that the *Pope's Collector was as very an enemy to this State as the French themſelves*: that he *Annually* ſent away 20000 *Marks*; and ſometimes 20000 *Pounds*; and that, he now raiſed for the *Pope*, the *First-Fruits* of all *Dignities*, which, in the very beginning, ought to be cruſht.

Rot. Parl. 51 *Edw.* 3. n. 78, 79.

Yet they prevailed *not* to their minds; and in the next *Parliament*, the *Commons* preferred three *Petitions*: Firſt, touching the payment of *First-Fruits*, not uſed in the Realm before theſe times. Secondly, Reſervation of *Benefices*. Thirdly, Beſtowing them on *Aliens*, *&c.* praying *Remedy*; as alſo, that the *Petitions* of the two laſt *Parliaments*, might be conſidered, and convenient Remedies ordained: the King hereupon,

Rot. Parl. 1 *R.* 2. n. 66, 67, 68.

upon refers the matters for Remedy to his *grand* or *Privy-Council.*

But neither yet was *full* ſatisfaction obtained as appears; for that the *Commons* renewed in effect the ſame *Suits* in the third and fifth of *Rich.* 2. the inconveniences ſtill continuing: after which the next *Parliament* obtained the *Statute* of *Præmunire*; which, as *Pol. Virgil* obſerves, was a *Confining the Papal Authority within the Ocean.* To which *Law* three years after, ſome *Additions* were made, and none of theſe *Laws* were *repeaked* by Queen *Mary.*

Rot. Parl. Rich. 2. n. 37.

13 Ri. 2. c. 2.

16 R. 2. c. 5.

To ſay, the *Biſhops* were preſſed by the Laity to paſs that laſt *Act*, is ſo much otherwiſe, as that it is *enrolled*, as *Twiſden* obſerves, on the deſire of the Arch-Biſhop of *Canterbury. Rot. Parli. 16. Rich. 2. n. 20. in fine.* Neither would the Pope tolerate (as one inſinuates) any thing ſo exceedingly *prejudicial* to him, upon any reaſonable pretence whatſoever.

Anſwer to Sir *Edward Cook.*

In the ſame *Parliament*, the *Commons Petition* that the *Popes Collector* may have *forty days* for his *Removal* out of the Kingdom; the *King conſiders.*

But in the *Sixth* of *Hen.* 4. upon grievous *complaints* made by the *Commons* to the King; of the horrible *miſchiefs* and damnable *Cuſtoms* which are introduced of *new* by the Church of *Rome*, that none could have *proviſion* for an *Arch-Biſhoprick* or Biſhoprick, until he had compounded with the Popes Chamber, to pay great exceſſive *Sums* of Money, as well for the firſt *fruits* as other leſſer *fees*—it was *Enacted, that whoſoever ſhall pay ſuch Sums ſhall forfeit all they had.* This *Statute* was made about an *hundred*

6 Hen. c. 1.

years

years before *Hen.* 8. an inconsiderable time for so considerable a *Prescription.*

Payments extraordinary.

3. We have noted, that the *Clergy* of *England* were not free from *Roman* Taxations before the payment of *Annates* and *Tenths*, as they were afterwards stated: For there were *occasional* charges exacted from us by the Pope, which afterwards terminated in those *constant* payments, as before was intimated.

The first extraordinary *contribution* raised by allowance for the Popes use in this Kingdom, *Twisden* observes to have been *an.* 1183. far enough off from the time of St. *Austin.* When *Lucius* the third (at odds with the Citizens of *Rome*) sent to *Hen.* 2. *Postulans auxilium* of him and his *Clergy*, whereupon two things considerable are observed. 1. The King in this point concerning the Pope, consulted his own *Clergy*, and followed their *advice.* 2. The great care the *Clergy* took to avoid ill *presidents*, for they advised the *King*, that he would receive the monies as *given* by them to *him*, and not to the Pope, leaving the *King* to dispose it as he thought fit.

Hoved. an. 1183. *f.* 354. *b.* 43.

This wariness being perceived, the Pope did not *suddenly* attempt the like again: We do not find any considerable sum raised from the *Body* of the Clergy for the support of the Papal designs, till *Gregory* 9. demanded a *Tenth* of all the *moveables* both of them and the *Laity*, *an.* 1229. The Temporal *Lords* refused; and the *Clergy* unwillingly were induced to the *Contribution*, for it was no other.

The Pope ventured no more upon the *Laity*, but *eleven years* after, he demanded of the *Clergy*

gy a *fifth part* of their goods: And after many Conteſts and ſtruglings, and notwithſtanding all the arguments of the poor *Clergy*, by the *Kings* and *Arch-Biſhops* means, they were forced to pay it. *Math. par. an.* 1240. *p.* 526. 20. *p.* 534. 8. 39.

But neither that *Reluctancy*, nor the *Remonſtrance* of the Kingdom at the *Council* of *Lions*, 1245. nor that to the Pope himſelf the year following, could prevail then to change the *Shoulder* or the *method* of Oppreſſion: For *Innocent* 4. 1246. invents a *new way*, by charging every *Religious* houſe with finding of *Souldiers* for his Service, for *one year*, *&c.* which amounted to eleven thouſand *Marks* for that year; with many devices for his advantage: but did he go on more *quietly* than he began? No certainly. See the *Petition* of the *Commons* in *Parliament*, 1376. *Rot. Parl.* 50. *Ed.* 3. *n.* 107.

The two *Cardinals* Prieſts *Agents*, were not ſuffered to provide for them a thouſand marks a year apiece: But the *State* chaſed them out of the *Kingdom*; and the *King* ſent through every County, that *none* henceforth ſhould be admitted *per Bullam*, without the *ſpecial Licenſe* of the King.

And a while after, the *Parliament* held the 20 *Ed.* 3. 1346. *Petition* more plainly; and mention the matter of the *two Cardinals*, as an intollerable *grievance*, in which the *King* gave them ſatisfaction. *Ro. Par. n.* 33, 35.

However, the *Uſurpation* grows againſt all oppoſition, and 'tis no longer a *Tax* for one year only as at firſt; but for *ſix years* ſucceſſively, pretending war with *Infidels*, ſo dealt *John* 21. *an.* 1277. and *Clement* 5. in the *Council* of *Vienna* 1311.

Exactions

Exactions of this kind were ſo abominable, that *Martin* 5 at the *Council* of *Conſtance*, 1417. was conſtrained to make that Remedy; *Nullatenus imponantur, &c.* upon which *decree* a ſupply of the *Tenth* being twice demanded, *viz.* 1515, and 1518. by *Leo* 10. againſt the *Turk*, the Engliſh *Clergy* denied them both times.

Sess. 43.

Thus the *Papacy* by little and little, and through great *oppoſition*, at length brought the *Taxes* to that we now call *Tenths*: and *Annates* proceeded gradually, but by milder meaſures, to a like *Settlement*; yet *neither* continued without the *diſturbances* before mentioned.

4. There is nothing remains under the head of *Money*, but the *caſual* and accidental profits, accrewing by *Bulls* and *Licenſes* and leſſer ways and conditions of Advantage, which did much help the reſt to drain us of our *wealth*: but theſe obtained upon *private* perſons, and many times in methods not cognizable by *Law*; neither were the people ſo apt to complain in ſuch caſes, becauſe they had *ſomething* (which they unaccountably valued) for their *money*: and the poſſeſſion of a *falſe opinion* in the *Vulgar*, as *Jugglers* and Cheats may equally glory in, can never be ſoberly interpreted to be a good and ſufficient *Title* to the *Supremacy* of the Church of *England*: Yet it is not amiſs to remember, that the *Popes Meſſenger*, *Jo. Opizanus*, for acting againſt the *Kings Laws* in getting mony for his *Maſter*, was caſt into *Priſon* as we find it, *Vit. Hen. Chich. p.* 86.

Caſual Payments.

Neither can we reaſonably imagine, but that much of that *vaſt Sum* was gathered by thoſe ways, which in the Reign of *Hen.* 3. the *Lords* and

and *Commons* complain of, *viz.* that *above four hundred thouſand pounds yearly was carried hence into* Italy.

It was ſome *diſturbance* of ſuch kind of Receipts, that the *Law* forbids any ſuch *Bulls* to be purchaſed for the time to come upon *pain of præmunire*: And that 'twas *decreed*, that the *Popes Collector*, though he have a *Bull* for the purpoſe, hath no *Juriſdiction* within this *Realm*. *Stat. de 7. H. 1. c. 6.* *Hen. 4. fol. 9.*

And if the *ancient Law* of the Realm ſaith, that the Pope cannot alter the *Laws* of *England*, that *Law* condemns his raiſing money upon the *people* in any kind, without *ſpecial Law* to that purpoſe; a *Prerogative* the *Kings* of *England* themſelves do not claim. Therefore, that ſtanding *Fundamental* Law of *England*, always lay in *bar* againſt, and was a continual, *real*, and legal *diſturbance* of the Popes *poſſeſſion* of power to impoſe *Taxes*; or by any devices to *collect* money from the *Engliſh*, either *Laity* or *Clergy*.

CHAP.

CHAP. XIV.

The Concluſion of the Argument from Preſcription. 'Tis on our ſide: No force for the Pope.

WE have ſeen what the Argument from *Preſcription* is come to; how far ſhort of *Nine Hundred* years, and how *unſettled*, both in *Law* and *Practice* it ever was; both as to *Juriſdiction* in the Popes Court at *Rome*, and by his *Legates* here; and as to *Legiſlation* by the force of his *Canons*, and his *diſpenſation* by *Faculties*, Licenſes, and any ſort of *Bulls*, *&c.* and as to his *Patronage* of, or *Profits* from the *Engliſh* Church.

If a juſt *Computation* were made, I believe the Argument from *Poſſeſſion* would really appear to be on our ſide: Our *Kings* having enjoyed and flouriſhed in the exerciſe of *Supremacy* over us, ever ſince the *Act* of *Hen.* 8. *extinguiſhing* the Popes Uſurpation here, with far more *quiet* and leſs interruption, than ever the Pope did for ſo long a time.

Beſides, other *qualifications* of our *Kings* poſſeſſion, do mightily ſtrengthen the *Plea* above any thing that can be alledged on the Popes behalf.

Nice. Ephe. 1. Our *Kings* had poſſeſſion from the *beginning* according to the *Canon*; and therefore could never be lawfully diveſted: Ancient *Hiſtories* are

are evident for us; and *Baronius* determines well, *what is ſaid by a Modern concerning ancient affairs, without the Authority of any more ancient, is contemned.* Tom. 1. an. 1. n. 12.

This ancient *Poſſeſſion* of our *Kings*, hath ever been continued and declared and confirmed by our *Laws*; and the conſent of the whole Kingdom ſignified thereby: And theſe *Laws* have ſtill been inſiſted on, and repeated when there hath been any great *occaſion*, and fit opportunity to vindicate our ancient *Liberties*. But the Pope could never obtain any *legal* ſettlement of his Power here, before Queen *Mary's Reign*; nor by *Her* neither in the main branches of it, though indeed ſhe courted him with the *dignity* of a great name and a *verbal* Title.

Indeed, the ſubject of the Queſtion being a *ſpiritual Right*, our Adverſaries themſelves agree, that *Poſſeſſion ſufficient to prove it, ought to begin near Chriſt's time:* And he that hath begun it *later* (as certainly the Pope did) *unleſs he can evidence that he was driven out from an ancienter Poſſeſſion (as the Pope can never do) is not to be* ſtiled a *Poſſeſſor*, but an *Uſurper*, an *Intruder*, an *Invader*, *Diſobedient*, *Rebellious*, and *Schiſmatical*; as, no doubt, by *S. W's Logick*, the Pope is as before was noted.

I ſhall conclude, with the grave and conſiderate Conceſſion of Father *Barnes* (noted by Dr. *Stillingfleet*) who after his thorow ſtudy of the point, upon clear Conviction determined it poſitively for us in theſe words.

The *Britanick* Church may plead the *Cyprian Priviledg*, that it was ſubject *to no Patriarch*, and *although this priviledge was taken away* Dr. *Still. p.* 398.

by

by Force and Tumult, *yet being reſtored,* in *Henry* the Eighth's time, and quietly *enjoyed ſince, it ought to be retained for peace ſake, without prejudice of Catholiciſm, and the brand of Schiſm*; by which he grants all that is *pertinent* to our Cauſe, that the *Pope* had not *poſſeſſion* here, from the *beginning*, nor ought to have had. 2. That he took advantage, *bellorum tumultibus & vi*, for his Uſurpation. 3. That our Ancient *Cyprian priviledge* was reſtored by *Henry* the Eighth, *totius Regni Conſenſu*, with the Conſent of *the whole Kingdom.* 4. That never ſince it hath been *peaceably preſcribed (pacifice præſcriptum)* or *quietly enjoyed.* 5. And that therefore, it ſtill ought to be retained, *ſine Schiſmatis ullius Notâ*, without the brand or charge of Schiſm, which is the *only thing* contended for.

CHAP.

CHAP. XV.

The Argument from Infallibility, Considered; in its Consequence, retorted.

THe *two Last* Arguments, for proof of the *Pope's Authority*, are *general*, and not limited to the Church of *England*, as the *three* former were; and are his *Infallibility* and his *Universal Pastorship*, which remain to be examined.

From his *Infallibility* it may be argued thus: Arg. Whether the *Pope* were the means of our *Conversion*, or have a *Patriarchal* Right over us, or have had *possession* of the Government of the *English* Church heretofore or not; if he be really and absolutely *Infallible*, he hath thereby a *right* to govern us; and we are *bound* to be ruled and directed by him; but the *Pope* is really and absolutely *Infallible*: *Ergo*.

The *Consequence* would tempt a denial: indeed, *Infallibility* is an excellent *qualification* for an *Universal* Rector; but are not, *qualification* and *Commission* two things? hath God given *Authority* to every man, equal to his *Parts?* to his Natural, acquired, or infused abilities? if not; what *necessity* is there, that he hath, to the *Pope?* if all *Power*, as well as all *Wisdom* is from *God*; the prime fountain of them both; and if we pretend to *both*, need we evidence only *one?* Consequence.

Indeed, we ought to be guided by one that is *Infallible* (if ſuch a one there be) but the Neceſſity ariſeth from *Prudence*, not immediatly from *Conſcience*; Unleſs by ſome other way of *Authority*, God hath given him *power* to govern us, as well as *ability*; otherwiſe, we ought to *ſubmit* our ſelves to the guidance of the *Pope*, as a good and *wiſe* man, or as a *Friend*, as our *Anceſtors* did, and not as our *Lord*.

The true Queſtion is, whether *God* hath given the *power* of Government to the *Pope*; and directly appointed him to be the *Univerſal Paſtor* of his Church on Earth? ſo that the Controverſie will bear us down to the *laſt Chapter*, what ever can be ſaid here; and *Infallibility* is ſuch a *Medium*, as infallibly runs upon that *Soliciſm* of Argument, *obſcurum per obſcurius*: and indeed, if there be any inſeperable Connexion, betwixt *Infallibility* and the *Univerſal Paſtorſhip*, as is pretended, the *contrary* is a lawfuller way of concluding: *viz.* if there be *no one* man appointed to govern the Church as *Supreme* Paſtor under Chriſt, then there is no neceſſity that *any one* man ſhould be *qualified* for it, with this wonderful grace of *Infallibility*. But it doth not appear, that God hath inveſted any one man with that *Power*; therefore, not with that *Grace*.

But leaſt this Great *Roman* Argument ſhould ſuffer too much; let us at preſent, allow the *Conſequence*; but then we muſt expect very fair *Evidence* of the Aſſumption; *viz.* that *the Pope* is indeed, *Infallible*.

I am aware that there are ſome vexing Queſtions about the *Manner* and *Subject* of this *Infallibility*;

Infallibility; but if we will put them out of the way, then the Evidence of the *Pope*'s or Church of *Rome*'s *Infallibility* breaks out from three of the greateſt *Topicks* we can deſire: *Scripture*, *Tradition*, and *Reaſon*; let them be heard in their *Order*.

SECT. I.

Argument from Scripture for Infallibility, viz. *Example. High Prieſt of the Jews. Apoſtles.*

1. WHether it be an exceſs or defect of *Charity* in me, I know not; but I cannot bring my ſelf to believe, that the fierceſt *Bigot* of Popery alive, can ſeriouſly think the Pope *Infallible*, in the Popiſh Sence of the Word; eſpecially that the holy *Scriptures* prove it.

I know, that ſome flie the Abſurdity, by hiding the *Pope*, in the *Church*: but, if the Church be *Infallible*; 'tis ſo, as it is *Repreſentative* in General Councils; or *diffuſive*, in the whole Body of Chriſtians: and then what is *Infallibility* to the Church of *Rome*, more than to any other? and how ſhall that which is *Common* to all, give power to *one* over all? or what is it to the *Pope*, above another *Biſhop* or *Patriarch*?

But the *Pope* is the *Head* and Univerſal Biſhop, as he is Biſhop of *Rome*: that is begging a

great queſtion indeed; for the proof of the *Pope's Infallibility*, which his *Infallibility* ought to prove; and to prove the *Medium* by the thing in *queſtion*, after a new *Logick*.

Beſides, if the proper *Seat* of Infallibility be the *Church*, in either of the Sences, it concerns our *Adverſaries* to ſolve Divine *Providence*; who uſe to argue for this wonderful gift in the Church: *if there be no Infallibility, God hath not ſufficiently provided for the ſafety of Souls*, and the *Government* of his Church; for ſeeing the Church *diffuſive*, cannot be imagined to govern it ſelf, but as *Collected*; and ſeeing, as the *Chriſtian* World is now circumſtantiated, it is next to *impoſſible*, we ſhould have a *General* and free *Council*; how ſhall this ſo neceſſary *Infallible* Grace in the Church be exerted, upon all occaſions, for the *Ends* aforeſaid?

It is therefore moſt Conſonant to the *Papal Intereſt* and *Reaſon*, to lodge this Infallible gift in the *Pope*, or *Court* of *Rome*: however, let us attend their Arguments for the evidence of it, either in the *Pope*, or *Court*, or *Church* of *Rome*, in any acception: which is firſt drawn from *Scripture*; both *Examples* and *Promiſes*.

Arg. 1. From Scripture-*Examples* they reaſon, thus: the *High Prieſt with his Clergy, in the time of the Law, were Infallible*; therefore the *Pope* and his *Clergy*, are ſo now: the *High Prieſt* with his Clergy, in the time of the *Law* were ſo; as appears *Deut* 17. 8. where, in doubts, the people were bound to *ſubmit* and ſtand to their *Judgment*; which ſuppoſeth them *Infallible* in it; as *A.C.* argues with Arch-Biſhop *Laud. p.* 97. *n.* 1.

Doctor

Dr. *Stillingfleet* with others, hath expoſed this Argument beyond all reply. In ſhort, the *Conſequence* of it ſuppoſeth what is to be *proved* for the proof of *Infallibility*, *viz.* That the Pope is *High-Prieſt* of the Chriſtian Church: and we muſt ſtill expect an Argument for the Popes *Headſhip*, if this muſt be *granted*, that we may prove him *Infallible*, to the end we may prove his *Headſhip*. Were it ſaid to the Chriſtian Church, *when any Controverſie of Faith ariſeth, go to* Rome, *and there enquire the judgment of the Biſhop, and believe* his determinations to be *Infallible*, there had been no need of this *conſequence*, but ſeeing we read no ſuch thing, the conſequence is *worth nothing*. Anſ.

Beſides, the *minor* affirming the *Infallibility* of the *High-Prieſt* from that *Law of Appeale* in *Deut.* 17. 8. is juſtly queſtioned. There was indeed an obligation on the Jews to ſubmit and ſtand to the *judgment* of that *high Court*; but no obligation nor ground to believe the judgment *Infallible*: The ſame obligation lies upon Chriſtians, in all *judiciary Cauſes*, eſpecially upon the *laſt Appeal* to ſubmit in our *practices*, though not in our judgment or *Conſcience*, to believe that what is determined to be *Infallibly* true: A violence that neither the whole world nor a mans ſelf, can ſometimes do to the *Reaſon* of a man. *Minor.*

The Text is ſo plain, not to concern *matters of Doctrine*, to be decided whether *true* or *falſe*; but matters of Juſtice to be determined, whether *right* or *wrong*; that one would think the very reading of it, ſhould put an end for ever to this debate about it. The words are, *viz.*

If there arise a matter too hard for thee in judgment, between Blood and Blood, between Plea and Plea, and between Stroke and Stroke, being matters of Controversie within thy Gates; Then shalt thou arise and get thee up into the Place which the Lord thy God shall chuse, &c. Thus God established a Court of *Appeals*, a *Supreme* Court of Judicature, to which the *last* application was to be made, both in case of *Injury* and in case of *Difficulty*, called the great *Sanhedrin:* But note, here is no direction for address to *this* Court, but when the case had been *first* heard in the *lower* Courts, held in the *Gates* of the *Cities:* Therefore the *Law* concerned not the *momentous* Controversies in *Religion*, which never came under the Cognizance of those *inferior* Courts.

Deut. 17. 12. Therefore it is *not* said, whosoever doth not believe the *Judgment* given, to be *true*; but whosoever acts contumaciously in opposition to it: And the man that will not hearken——but do *presumptuously*, even that *man shall die.*

Besides, God still supposeth, a *possibility* of *Error* in the *whole Congregation* of *Israel*, *Lev.* 4. 15. and chargeth the *Priests* with *Ignorance*, and forsaking his way, frequently by the Prophets.

But alas! where was the *Infallibility* of the *High-Priest*, *&c.* when our blessed *Saviour* was condemned by him, and by this very Court of the *Sanhedrin:* And when *Israel* had been for a 2 Ch. 15. 3. long season, *without the true God*, without a *Teaching Priest*, and without Law. *Vid* Dr. *Still. p.* 239, *&c.*

Ar. 2. Example N. T. 2. It is also argued, from that *Example* of the *Apostles* under the New Testament; that they were assisted with an *Infallible* Spirit, and

there

there is the ſame reaſon for the Pope. But this is to diſpoſe Gods Gifts and *Wiſdom* by *our own* Reaſon: The Apoſtles *Infallibility* atteſted with *Miracles*, was neceſſary to the *firſt Plantation* and State of the Church; and it no more followeth, that therefore the *ſucceeding* Biſhops muſt be infallible, becauſe they were ſo; than that becauſe *Moſes* wrought miracles for the *confirmation* of the Law, therefore the *Sanhedrin* ſhould work Miracles for the *ordinary* Government of *Iſrael*, according to the *Law*. Anſ.

Beſides, what reaſon can be given, why this priviledge of *Infallibility* ſhould be entailed upon the Biſhops of *Rome* more than other Biſhops, who ſucceeded the *Infallible Apoſtles*, as well as the Pope? What ground hath he to claim it more than they? Or if they have all an intereſt in it, what becomes of the Argument that the Pope is the *univerſal* Head and Governor of the Church, becauſe he is *Infallible?*

SECT. II

Arg. 2. *From the Promiſes of Infallibility.*

God hath promiſed that his Church ſhall be preſerved; which Promiſe engageth his Infallible Aſſiſtance. Therefore the Church by that aſſiſtance is always *Infallible:* To this mighty purpoſe *A. C.* reaſons with A. B. *Laud.* Ar. 2.

God will certainly and *Infallibly* have a Church, therefore that Church ſhall not only *be*, but be *Infallible* in all her *decrees de fide:* Is Anſ.

not this strong Reason? God is *Infallible*, therefore his *Church* is so; a Church shall *continue*, therefore it shall not *Err?*

Pray what Security doth the promise of the Churches *Perpetuity*, or *Infallibility* as to *Fundamentals*, give to any single *Person* or particular *Church*, that they shall continue in the *Christian Faith*, more than it did to *seven Churches* in *Asia?* And where are they now?

The Argument will conclude as well: God hath promised his Church shall ever *exist* upon Earth; therefore Christians, of which the Church consists, shall never *dye*, as well as never *fall away*: For if the Promise be made to the *Present* Church in the *Romanists* sence, it is made to the *Individuals*, that make the Church. 2. And that every *particular* Christian, as well as every particular Church, having an equal & common interest in the *promise* of assistance, is *infallible*.

If we should grant the *Universal* Church to be *Infallible*; not only as to her *Perpetuity* but her *Testimony*, which the Argument reacheth not; yet it rests to be proved, that the Church of *Rome* is the *Catholick* Church; and then that the Pope is the *Church* of *Rome* in the same sence that the Church of *Rome* is the *Catholick* Church, and that in the same consideration, as the *Catholick* Church is *Infallible*.

But if we consider the *particular Promises*, the Argument thence is so wide and *inconclusive*, that one would think no considerate man could be abused by it.

General to Apostles.

These promises are such as concern the *Apostles* and Church in *general*; or such as are pretended to dignifie St. *Peter* in special, and above the rest. Such

Such as concern the *Apoſtles* and the Church in *general* are theſe *three*. He that *heareth you heareth me, &c.*: True; while you teach *me*, that is *my Doctrine*. *I am with you always to the end of the world*: True; while you are faithful, and *teach whatſoever I command*. *The Comforter, the Holy Ghoſt, ſhall abide with you for ever*: True alſo, while you *love me, and keep my Commandments*. As the *Condition* is juſt before the *Promiſe*. Luc. 10. 16. Math. 28. 20. Joh. 14. 16.

Now what are theſe Texts to the Pope or the Church of *Rome* in ſpecial? They certainly that plead the *Promiſe*, ſhould not neglect the *duty*; it were well if that was thought on.

The *Popes ſpecial* Friends inſiſt on other promiſes more peculiarly deſigned; as they would have them for St. *Peter*'s Prerogative: They are theſe. St. *Peter*.

1. The Firſt is *Math.* 16. 18. *Thou art* Peter, *and upon this Rock will I build my Church; and the Gates of Hell ſhall not prevail againſt it.* Text.

But what is this to St. *Peter*'s *Infallibility?* The *Church* ſhall not be overthrown, therefore St. *Peter is Infallible*: What's this to the Popes Infallibility? The *Gates* of Hell ſhall not prevail againſt the *Church*, therefore the Pope is Infallible? Can God find no other way to preſerve the *Church*, but St. *Peter*'s *Infallibility*, and the Popes *Infallibility?* An.

Is this promiſe made to ſecure the Church under St. *Peter* and his Succeſſors, abſolutely from all *error?* How came St. *Peter* himſelf to fall then, by *denying* his Maſter; and to *err* about the *Temporal Kingdom* of Chriſt? And Popes to be *Blaſphemers*, Heretical, Atheiſtical? How Act. 1. 6.

came

came ſo many particular Churches, that were under the Apoſtolick *Chair* (if all were ſo at firſt) to miſcarry, as thoſe *firſt* Churches in *Aſia* did?

But whatever is here promiſed to St. *Peter*, is nothing to the Pope; unleſs the Pope be indeed St. *Peter*'s *Succeſſor*, and ſit in his *Chair*; the great point reſerved for the *laſt Refuge*, and ſhall there at large be examined.

Text. 2. The next *Promiſe* is, *Joh.* 21. *Peter, feed my Sheep*; therefore the *Pope is Infallible*: But muſt not *others* feed Chriſts Sheep; and are they *Infallible* too? 'Tis acutely ſaid, that *Peter* was to feed the Sheep as ordinary *Paſtor*, the reſt of the *Apoſtles* as *extraordinary* Ambaſſadors. But doth this Text ſay ſo, or any other Text? How came it to paſs, that the *ordinary* Paſtor ſhould be greater than the *extraordinary* Embaſſadors? How is it proved, that this *power* of Feeding is *Infallible*, only as in St. *Peter?* or as ſuch, is tranſmitted to St. *Peters Succeſſor* in a more peculiar manner, than to the Succeſſors of other *Apoſtles?* And that the Pope is this *Succeſſor?* this muſt be conſidered hereafter, their proof is not yet ready.

Text. 3. Another is *Luke* 22. 31. *Simon, Simon, Satan hath deſired to winnow thee, but I have prayed that thy Faith fail not*: (*Viz.* that thou periſh not in *Apoſtacy*) not that thou be abſolutely ſecured from *error*, nor thy pretended Succeſſors: And had not others the *Prayer* of Chriſt alſo? *Joh.* 17. even *all that ſhould believe on him?* In a word, what is this to the Pope, that *Peter* ſhould not utterly miſcarry in the *High-Prieſts* Hall? Unleſs it ſignifie that the Pope may *err* grievouſly as St.

St. *Peter* did, though he hath no more the *ſecurity* of not failing in the *Faith*, than every ordinary Chriſtian hath.

But this *triſling* with *holy Scripture* provokes *Rebuke*; and deſerves no anſwer.

If any deſire *further* ſatisfaction, either upon theſe, or other like *Scriptures* urged for the Popes or the Churches *Infallibility*; let them peruſe Dr. *Stillingfleet* in defence of my Lord of *Canterbury*, and Mr. *Pool*'s *Treatiſe* written on purpoſe upon this *Subject*. P. 254. &c.

CHAP. XVI.

II. Arg. *For Infallibility*, viz. *Tradition. Conceſſions* 4. *Propoſitions* 3. *Arguments. Objections Anſwered.*

THat the difference may not ſeem wider than indeed it is, we ſhall make way for our diſcuſſion of this Argument by a few, but *conſiderable Conceſſions.*

1. We yield that *Tradition truly Catholick* is *Apoſtolical.* Truly Catholick, that is in all the three known Conditions, *ab omnibus, ſemper, & ubique*: For we cannot imagine that any thing ſhould be believed or practiſed by *all* Learned Chriſtians

Christians at *all times* and in all *places*, as a point of *Christian Religion*, that was not receiv'd as such, either from Christ himself or his *Apostles*.

2. We grant, that *Tradition* hath been and ever will be both useful and necessary for the delivering down to the *Faith* of the Church, in all *succeeding* Ages, both the *Canon* of the Scripture and the *Fundamentals* of the Christian Religion: The necessity hereof ariseth from the distance of *Time* and *Place*; and must be supposed, upon the *Succession* of *Generations* in the Church, after the removal of the *first* Preachers and Writers, and consequently the *first deliverers* thereof.

3. We need not stick to agree, that *Tradition* is *Infallible*, (if we abuse not the term too rigidly) in conveying and *preserving* the *substance* of Religion, which I was much enclined to *believe* before; and am now much encouraged to *express*, after I had read the *learned* and ingenious book of the *Several ways of resolving Faith*; (he concludes p. 129.) the *Necessaries to Salvation should ever fail to be practically transmitted from Generation to Generation, is alike impossible; as that multitudes of People should not in every Age be truly desirous of their own, and their Posterities everlasting happiness; seeing it is a thing both so easie to be done, and so necessary to Salvation.* By the *substance* of Christian Religion, I mean the *Credenda* and the *Agenda*, or as he doth, the *Creed, the Lords Prayer, the Ten Commandments, and the Two Sacraments.*

4. We may, for ought I see to the contrary, Gratifie the Author of *Rushworth's Dialogues*, and the Abettors of that late *new found* Tradition

dition of the preſent Church of *Rome*: For every Church of Chriſt, as ſuch, hath poſſeſſion of the *ſubſtance* of Chriſtian Religion, and without it cannot be a *Church*: And I am ſure by this *Conceſſion*, the great Argument for *Tradition* is allowed; and we are ſo far agreed in a *main* point.

I am troubled we muſt now *differ*; but our *Propoſitions* ſhall be ſuch, as none that have weighed *Antiquity* can well doubt of them.

We affirm, that whatſoever matter of *Faith* or *Practice*, is not derived from the *firſt* hands by *Tradition Catholick*, as explained in the firſt *Conceſſion*, is not *neceſſary* to Salvation: For 'tis agreed, if it were, it would have been preſerved by *Tradition*. 1 Prop.

But, it is againſt all Sence, to believe, that *Tradition* is ſufficient to ſecure us from all *Additions* to the *firſt* Faith; or *Additions* and *Alterations*, in Ceremonies and Worſhip, or any thing that is not *neceſſary* to Salvation: and herein, indeed, lies the Controverſie: for if *Midwifes*, *Nurſes*, *Parents* and *Tutors* have, as it is ſaid, *Tradition* in their hands; and hold themſelves obliged not to poyſon little *Babes* as ſoon as they can receive Inſtructions accordingly; and *Tradition* could not poſſibly admit or deliver any thing but what is *neceſſary* to ſalvation; it were not poſſible for any *Error* to obtain in the Church, or with any one *Party*, or even *Member* of it; but truth would be *equally Catholick* with *Tradition*: and then, *Charity* will not ſuffer us to believe, that the *Jews*, that kept the Law, ſhould be guilty of any *vain Traditions*, contrary to our *Saviour*'s Reproofs; 2 Prop.

or

or that there ſhould be any ſuch *Parties* as *Hugonites* and Proteſtants in the World; or ſuch various *Sects* in the Church of *Rome* it ſelf; or ſo many Succeſſive *Additions* to the *Faith* and *Worſhip* of that Church, as none may have the confidence to deny, have happened.

Obſerv. in *Cyp.* p. 147. *Vincentius* ſpeaks very truly (ſaith *Rigaltius*) and prudently, *if nothing were delivered by our Anceſtors, but what they had from the Apoſtles; but under the pretence of our Anceſtors, ſilly or counterfeit things may by Fools or Knaves be delivered us, for Apoſtolical Traditions:* and we add, by *zealouſly ſuperſtitious* men; or by men *tempted* (as is evident they were about the time of *Eaſter* and *Rebaptization* in the *beginning*) to pretend *Tradition* to defend their *Opinions* when *put to it* in Controverſie.

3 Prop. It further follows, that the *Infallibility* of the *Pope*, or Court of *Rome*, or Church, in Matters of *Faith*, is no neceſſary Point of *Faith*; becauſe it is not delivered down to us, as *ſuch*, by lawful, *i. e. Catholick Tradition:* this is the Point.

Now here we juſtly except againſt the Teſtimony of the *preſent Oral Tradition* of the Roman Church, or Tradition *revers'd*; becauſe it cannot ſecure us againſt *additions* to the *Faith:* It is no evidence that Tradition was always the *ſame* in that point; it cannot bear againſt all *Authentick Hiſtory* to the contrary.

That *Popes*, and *Councils*, and *Fathers*, and the *Church* too, have *erred* in their belief and practice, is paſt all doubt, by that one inſtance of the Communion of *Infants* for ſome hundred of Years together; which is otherwiſe determined

ned by the *Council* of *Trent*.

Yea, that there was no such Tradition of the *Pope's*, or the Church of *Rome's Infallibility* in ancient times, is as manifest, by the oppositions betwixt the *Eastern* and *Western* Churches; which could not consist with such *Tradition* or *belief* of it.

And for the Church of *England*; had she owned such *Tradition*, *her ancient Bishops* would not have contended with and rejected his *Messenger*, St. *Austin* and his *Propositions* together.

Neither can any considering man imagine, that the *Tradition* of the *Popes Infallibility* is *Catholick*, or generally received and believed in the Church of *Rome* at this day: 'Tis well known, many of their eminent men renounce it; and indeed the Pope himself doth not believe it, or he does not believe that all his *Doctors* believe it: For if he does believe both, why does he not make use of his Talent, and put an end to all the scandalous *broils* and Ruptures occasioned by the *Doctrinal* differences and Disputes, among the several *factions* of his Church; and have peace within his own *Borders*? But this admits no Answer.

'Tis said by the *Romanist*, that Universal *Traditions* are recorded in the Fathers of every *succeeding* Age; and 'tis reasonably spoken. It behoves him as to the present point, to shew us in some *good Authors*, in every age since the Apostles, this *Tradition* for *Infallibility*; then indeed he hath done something which ought to be done: But till that be done, we must adhere; that there is no such ground of the *Popes Authority* over us as his *Infallibility*, proved by *Scripture* or *Tradition*.

This

This proof, I think was never yet ſo much as undertaken, and may be expected: *Hoc opus eſt.* 'Tis obſerved by Dr. *Stillingfleet*, that there is but one eminent place in *Antiquity* produced on their ſide in the behalf of *Traditions*; and that is out of St. *Baſil de ſp. ſanc. ad Amphilo:* But the *Book*, with juſt reaſon, is ſuſpected. *Three* of the Traditions mentioned in the place, are the *Conſecration* of the Perſon to be Baptized; the *ſtanding* at the Prayers until *Pentecoſt*; and above all, the *Trine Immerſion* in Baptiſm. The two firſt of theſe, are not acknowledged by the *preſent* Church of *Rome*; and the laſt, by the very *Council* of *Trent*, is pronounced not to be of *Apoſtolical* Tradition.

Here is not one word touching any Tradition for the *Infallibility* of the Church; but indeed much reaſon againſt it: For either the *preſent* Church at that time, was actually *deceived*, and took that to be *Apoſtolical* which was not ſo; or the *preſent* Church in the *Council* of *Trent*, took that not to be *Apoſtolical* which indeed was ſo, and was *actually deceived* in her Judgment and determination to the contrary: For thoſe words of that Author, *(parem vim habent ad pietatem)* *unwritten* Traditions have equal force to ſtir up *Piety* with the *written word*, put the *dilemma* beyond exception, as thoſe known words of the *true Baſil.* [*That it is a manifeſt falling from the Faith, and an Argument of Arrogancy, either to reject any point of thoſe things which are written, or to bring in any of thoſe things which are not written*] make it juſtly *ſuſpitious*, that the Book extolling *unwritten* Traditions was uone of his.

Hom. 29. de tri. to. 1.

Bellarmine's three Arguments. [1. The Fathers

thers say the sentence of general *Councils* admits of no *Appeal*. 2. Such as submit not to them are *Hereticks*. 3. Such Sentence is *Divine*.] prove their *Authority* but not their *Infallibility*; and the force of such Sentence is from *Scripture*, or *Reason*, or *Miracles*, or approbation of the *whole Church*; as *Occham*, and *Santa Clara* after St. *Augustine* affirm. Therefore the *Fathers* generally allow us liberty of *examination*; and derogate *Faith* from all men beside the *Apostles*. *Syst. fid. l. c. 26. N. 2.*

CHAP. XVII.

Arg. III *For Infallibility from Reason. 3 Reasons answered. Point Argued. Retorted.*

THis Confess'd, that though *Scripture* and *Tradition* prove it not; yet if there be indeed any *sound Reason* (which is a kind of *divine Law*) for the *Pope's Infallibility*, that will go a great way. But it doubtless ought to be very *clear* and strong *reason*, that is able to carry it in so great a point, without either *Scripture* or *Tradition*: Let us hearken.

Perhaps we have *Tradition* offering its Service to *Reason* in another form; and the Argument may stand thus: *Tradition* is *Infallible*, but the Pope in the Church of *Rome* is the *Keeper* of *R.* 1.

Tradition; therefore thereby the Pope is *Infallible.*

Anſ. This Argument indeed, hath countenance from *Antiquity:* For *Iræneus* adviſeth his Adverſaries, who pretended *Tradition,* to go to *Rome*; and there they might know what was *true* and Apoſtolical Tradition, for there it was *preſerved.*

But how could that *father* aſſure us, that *Rome* would always be a faithful *preſerver* of true Apoſtolical *Tradition?*

What ſecurity could he give to after Ages, againſt *innovations* and additions to *Tradition* it ſelf in the Church of *Rome?*

Remember what hath been ſaid, that *Tradition* can be thought *infallible*, only in the *ſubſtantials* of Religion; and conſequently cannot protect, either it *ſelf* or the Church, from additional *errors* in other things.

Beſides, in the *Subſtantials* of Religion, the *Proteſtant* Churches have the benefit of *Tradition* as well as the Church of *Rome*; and if that carry *Infallibility* with it, our Church is *infallible* as well as the Church of *Rome*; and conſequently thereby hath a *Right* to govern it's ſelf.

Reaſ. 2. But the great Reaſon always gloried in, is from the *Wiſdom* and Prudence of our bleſſed *Saviour*; who had he not intended to afford the aſſiſtance of *Infallibility* to the *ſucceeding* Paſtors of his Church, to lead them when aſſembled in a *general* Council, he had built his Church upon the *Sand*; as *A. C.* argues with his *Grace* of *Canterbury.*

Anſ. Admit the neceſſity of this *Aſſiſtance* to the Paſtors of the Church; what is this to prove the

the government of the Church in the Pope, because of his *Infallibility?*

But if our Saviour ſhould not have *aſſured* us that he will thus aſſiſt his Church in all Ages, as you cannot ſhew; how do you know he hath *intended* it? and how *unchriſtian* is your Reaſon, to impeach your Saviour with the inference of *Folly*; and, as at other times, with *Ignorance* and impoſture, if he hath not?

Take heed, hath not our Saviour built his Church upon the *Foundation* of the *Prophets* and *Apoſtles?* and is this *Sand* in the *Roman* Sence? Is not Chriſt himſelf the chief *Corner-Stone?* Is he *Sand* too? Doth not he *that keepeth his Sayings* build upon a Rock, as firm as the *decrees* of a general *Council?*

Where hath our Saviour given us the leaſt intimation, that *inherent Infallibility* is the only *Rock* to ſecure the Church from *Error?* Is there not ſufficient ground to rely on the *Doctrine* of Chriſt, had there never been a *general Council?* What? was the Church built upon the *Sand* only, before the Council of *Nice?* why did it not then *fall* in the *Storms* of Perſecution?

Did not the *Apoſtles* commit the doctrine of Chriſt to *writing?* Is not *Tradition* the great mean of delivering the *Scriptures*, and all things needful to Salvation, by your own Arguments? may not the latter be done by *Nurſes* and *Tutors &c.* without a *general Council?* and if there be leſſer differences in the Church, is the *Foundation* ſubverted preſently? and may not thoſe leſſer differences among Chriſtians be healed with *Argument*, or at leaſt *quieted*; and the peace of the Church preſerved by the *decrees* of

Councils, without *Infallibility*? how unreasonable is it, to deny it?

P. 259. We grant, saith Doctor *Stillingfleet*, *Infallibility in the Foundation of Faith*: we declare the owning of that *Infallibility* is that, which makes men *Christians*, (the body of whom we call the *Church*) we further grant, that Christ hath left in that Church sufficient *means* for the preservation of it in Truth and Unity: but we cannot discern, either in *Scripture*, *Antiquity* or *Reason*, that such *Infallibility*, is necessary for the Churches *preservation*, by the *Councils* of succeeding Pastors; much less, a *living* and standing *Infallible* Judge, as the *Head* of the Church.

Object. P. 3. But they say, the *Infinite Dissentions* and Divisions amongst those that deny it, make this necessary.

Answ. How is it in the *Roman* Church? are there no Divisions there? or is the *sole* Remedy Ineffectual? yea, are there no differences there, about *Infallibility* it self? the *Manner* and *Subject* of it? are not many of your selves, *ashamed*, and weary of it? do not some of you deny it, and set up *Tradition*, in stead of it? was not the Apostle too blame, to say, there must be *Heresies* or Divisions among you, and not to tell them, there must be an *Infallible Judge* among you, and no *Heresies*? but now men are *wiser*, and of another mind.

To conclude; whether we regard the *Truth* or *Unity* of the Church; both *Reason* and *Sence* assures us that this *Infallibility* signifies nothing: for, as to *Truth*, 'tis impossible men should give up their *Faith* and Conscience, and inward apprehension

prehenſion of things, to the Sentence of any *one* man, or all the men in the World, againſt their own *Reaſon*; and for *Unity*, there is no colour or ſhadow of pretence againſt it; but that the *Authority* of Eccleſiaſtical Government, can preſerve it, as well *without*, as *with* Infallibility.

But if there be any Sence in the Argument, methinks, 'tis better thus: the *Head* and Governour of the Chriſtian Church, muſt of neceſſity be *Infallible*: but the *Pope* is not Infallible', either by *Scripture*, *Tradition*, or *Reaſon*; therefore the *Pope* is not the *Head* and Governour of the Chriſtian Church.

CHAP. XVIII.

Of the Pope's Universal Pastorship; its Right; divine or humane; this Civil, or Ecclesiastical; all examined; Constantine; *King* John; Justinian; Phocas, &c;

WE have found some flaws in the pretended *Title* of the *Pope*; as our *Converter*, *Patriarch*, *Possessor*; and as the Subject of *Infallibility*: his last and greatest Argument is his *Universal Pastorship*: and indeed, if it be proved that he is the *Pastor* of the whole Church of Christ on Earth; he is *ours* also: and we cannot withdraw our obedience from him, without the guilt of that which is charged upon us, *viz. Schism*; (if his *Commands* be *justifiable*) but if the proof of *this* fail also, we are *acquitted*.

This *Right* of the Pope's Universal Pastorship, is *divine* or *humane*, (if at all;) *both* are pretended, and are to be examined.

The *Bishop* of *Calcedon* is very indifferent and reasonable as to the *Original*: if the *Right* be granted, 'tis not *de fide*, to believe whether it come from *God* or *no*.

If the *Pope* be Universal Pastor *Jure humano* only; his *Title* is, either from *Civil* or from *Ecclesiastical* Power; and least we should err

Fundamentally

Fundamentally we shall consider the pretenses from both.

If it be said, that the *Civil* Power hath conferred this honour upon the *Pope*: may it not be questioned, whether the *Civil* Powers of the World extend so far, as either, to dispose of the Government of the *Church*; or to *subject* all the Churches under *one Pastor*.

However, *de facto*, when was this done? when did the Kings of *England*, in Conjunction with the Rulers of the whole World, make such a *Grant* to the Pope?

I think the World hath been ashamed of the *Donation of Constantine* long agon; yet, that no shadow may remain unscattered, we shall briefly take an account of it. *Const. donat.*

They say *Constantine*, the third day after he was *baptized*, left all the *West* part of the *Empire* to *Pope Sylvester*; and went himself to dwell at *Constantinople*; and gave the whole *Imperial* and Civil Dominion of *Rome*, and all the *Western* Kingdoms, to the *Pope* and his *Successors for ever*.

A large *Boon* indeed: this looks, as if it was intended that the *Pope* should be an *Emperor*; but who makes him *Universal Pastor?* and who ever since hath bequeathed the *Eastern* World to him, either as *Pastor* or *Emperor?* for, it should seem, that part, *Constantine* then kept for himself.

But Mr. *Harding* throws off all these little Cavils; and with sufficient Evidence out of *Math. Hieromonachus*, a *Greek* Author, shews the very Words of the *Decree*, which carry it for the *Pope*, as well in *Ecclesiastical* as Civil Advanta-

ges: they are these: θεσπίζομεν, &c. We *decree, and give in charge to all Lords, and to the Senate of our Empire, that the Bishop of* Rome, *and Successor of Saint* Peter, *chief of the Apostles, have Authority and Power in all the World; greater than that of the Empire; that he have more honour than the* Emperor; *and that he be Head of the four Patriarchal Seats; and that matters of Faith be by him determined:* this is the *Charter*, whereby some think the *Pope hath Power* (saith *Harveus*) *as Lord of the whole World, to set up and pull down Kings.*

De potest. Pap. c. 19.

'Tis confessed, this Grant is not pleaded, lately, with any *Confidence*. Indeed Bishop *Jewel* did check it *early*, when he shewed *Harding*; the wisest and best among the Papists have openly disproved it: such as *Platina*, *Cusanus*, *Petavius*, *Laurent. Valla*, *Antoninus Florentinus*, and a great many more.

Cardinal *Cusanus* hath these words: *Donationem* Constantini *dilligenter expendens*, &c. Carefully weighing this Grant of *Constantine* even in the very *penning* thereof, I find manifest Arguments of *Forgery* and Falshood.

Conc. Cath. lib. 3. c. 2.

'Tis not found in the Register of *Gratian*; that is, in the allowed *Original* Text; though, it be indeed in the *Palea* of some Books; yet that *Palea* is not read in the *Schools*: and of it Pope *Pius* himself said, *dicta Palea* [Constantinus] *falsa est*; and inveighs against the Canonists that dispute *an valuerit id, quod nunquam fuit*: and those that speak most favourably of it, confess, that it is as true, that [*Vox Angelorum Audita est*,] that, at the same time, the voice of Angels was heard in the Air, saying,

Pius. 2. dial.

ing, *hodie venenum effusum est in Ecclesiam.*

Much more to the discountenance of this vain *Story* you have in Bishop *Jewel*'s *Defence*; which to my observation was never since answered; to him therefore I refer my Reader. P. 537, 538, 539.

But, alas, if *Constantine* had made such a *Grant*; *Pope Pius*, tells us it was a question among the very *Canonists an valuerit?* and the whole World, besides, must judge the *Grant* void in it self, especially after *Constantine*'s time.

Had Satan's Grant been good to our Saviour, if he had *fain* down and *worshipped* him? no more had *Constantine*'s; pardon the comparison: for in other things, he shewed great and worthy zeal, for the flourishing *Grandeur* of the Church of Christ; though, by this he had, as was said, given nothing but *poyson* to it: for the *Empire* of the World and the *Universal Pastorship* of the Church, was not *Constantine*'s to give to the *Pope and his Successors for ever.*

But it is urged, nearer home, that *King John* delivered up his *Crown* to the *Pope*; and received it again, as his *Gift*. Arg. 2. King *John.*

'Tis true; but this Act of present fear, could not be construed a *Grant* of Right to the *Pope*; if King *John* gave away any thing, it was neither the *Power* of making *Laws* for *England*; nor the *exercise* of any *Jurisdiction* in *England*, that he had not before; for he only acknowledged (unworthily) the *Pope*'s Power; but pretended not to *give* him *such* Power, to confer the *Crown for ever*; much less to make him *Supreme* Disposer of our *English* Church.

But if our *Constitution* be considered, how inconside-

inconsiderable an Argument is this? our *Kings* cannot *give* away the Power of the *Crown* during their *own* times, without an Act of *Parliament*: the *King* and *Parliament* together, cannot dispose of any thing *inherent* to the *Crown* of *England*, without a Power of *Resumption*; or to the prejudice of *Succeeding* Kings: besides, no *King* of *England* ever did, (not King *John* himself) either *with*, or *without* his *Parliament*, by any Solemn *Publick Act* transfer the Government of this *Church* to the Bishop of *Rome*; or so much as Recognize it to be in *Him* before *Henry* the Eighth; and what *John* did, was protested against by the *Three States*, then in *Parliament*.

Harpsf. ad 5. Re. 14. c. 5.

And although Queen *Mary*, since, made a higher acknowledgment of his *Holiness*, than ever we read was done here before; yet 'tis evident, she gave him rather the *Complement* of the *Title* of that uncertain *Word (Supreme Head)* than any *real* Power; as we observed before; and yet her New *Act* to that purpose, was endured to remain in force, but a very *short time*, about four or five years.

But although neither *Constantine*, for the whole World; nor *King John* for *England*, did or could devise the *Supremacy* to the *Pope*; 'tis confessed, the Emperor *Justinian* endeavoured somewhat that look'd like it.

Justinian.

Justinian was a great friend of the *Roman* Bishop: he saith, *Properamus honorem & authoritatem crescere sedis vestræ*, we labour to subject and unite all the Eastern Priests to the See of your Holiness.

Cod. inter Claras.

But this is a plain demonstration that the See of

of *Rome* did not extend to the *East*, near six hundred years after Christ; otherwise that would have been no *addition* of honour or Authority to it; neither would *Justinian* have endeavoured what was done before; as it doth not appear that he afterwards effected it.

Therefore the *Title* that he then gave the *Pope* [of the *Chief* and *Head* of all the Churches] must carry a *qualified* sence; and was only a Title of *honour* befitting the *Bishop* of the *Chief* and most eminent Church, as the *Roman* Church then was: (and indeed *Justinian* was a Courtier; and stiles the Bishop of *Constantinople universal Patriarch* too) or at most can only signifie, that his intentions were to raise the Pope to the *chief* Power over the whole Church; which, as was said before, he had not yet obtained.

This is all that can be inferred, if these *Epistles* betwixt the *Emperor* and the Pope be not *forged*; as *Learned Papists* suspect, because in the *eldest* and allowed Books, they are not to be found. *Greg. Holiand. & Azo.*

However, if *Justinian* did design any thing in favour of the Pope, it was only the subjecting of the *Clergy* to him as an *Ecclesiastical* Ruler; and yet that no farther, than might well enough consist with the *Supremacy* of the *Empire*, in causes *Ecclesiastical* as well as Civil; which *memento* spoils all the argument.

For we find the same *Justinian* under this imperial *stile*, *We command the most holy Arch-Bishops and Patriarchs of Rome, Constantinople, Alexandria, Antioch*, and *Hierusalem*. *Authent. Collat.* 1.

We find him making *Laws* upon *Monks*, *Priests*,

Priests, *Bishops*, and all kind of *Churchmen*, to inforce them to their duty.

We find him putting forth his *Power* and Authority for the *sanction* of the Canons of *Councils*; and making them to have the force of *Laws*.

We find him punishing the *Clergy*, and the Popes themselves; yea 'tis well known and confessed by *Romanists*, that he deprived two Popes, *Sylverius* and *Vigilius*: Indeed Mr. *Harding* saith, that was done by *Theodora* the Empress; but it is otherwise recorded in their own *Pontifical*; the Emperor demanded of *Belsarius* what he had done with the *Romans*, and how he had deposed *Sylverius*, and placed *Vigilius* in his stead? Upon his answer, both the *Emperor* and Empress gave him thanks: Now it is a Rule in Law, *Rati habito retrotrahitur*, *& mandato comparatur*.

Cone. To. 2. in v. Vigil.

Zaberel declares it to be Law, that the Pope, in any notorious crime, may be accused before the *Emperor*; and the *Emperor* may require of the Pope an account of his *Faith*: And the *Emperor* ought to proceed, saith *Harvy*, against the Pope, upon the request of the *Cardinals*.

De Schis. & Concil.

De Potes. Pap. c. 13.

And it was the judgment of the same *Justinian* himself, that there is no kind of thing but it may be thorowly examined by the Emperor: For he hath a *principality* from *God* over all men; the *Clergy* as well as Laity.

Con. Const. 5. Act. 1.

But his erecting of *Justiniana prima*, and giving the Bishop, *Locum Apostolicæ sedis*; to which all the *Provinces* should make their last *Appeal*, whereby, as *Nicephorus* affirms, the *Emperor* made it a free City, a *Head* to it self; with full power *independant* from all others: And as it is in the

Goth. Nov. 13. c. 3. Nov. 11.

imperial

imperial constitutions; the *Primate* thereof should have all power of Ecclesiastical Jurisdiction, the *Supreme Priesthood*, Supreme Honour and Dignity. This is such an instance, both of *Justinian*'s *Judgment* and *Power*, contrary to the Popes pretensions of Supremacy, (as *granted* or *acknowledged* by the Emperor *Justinian*) that all other Arguments of it are *ex abundanti*; and there is no great need of subjoyning that other great and like instance of his restoring *Carthage* to its *primacy* after the *Vandals* were driven out; and annexing two *new* Provinces, that were not so before, to its *jurisdiction*, without the proviso of submitting it self to *Rome*; though before *Carthage* had ever refused to do it.

Phocas the Emperor and Pope *Boniface*, no doubt, understood one another; and were well enough agreed upon the point: But we shall never yield that these two did legally *represent* the *Church* and the *World*; or that the *grant* of the one, and the greedy *acceptance* on the other part, could bind all *Christians* and all *mankind*, in subjection to his *Holiness's Chair for ever*.

Valentinian said, *all Antiquity hath given the principality of Priesthood to the Bishop of* Rome: But *no Antiquity* ever gave him a principality of *Power*; no doubt he, as well as the other *Emperors*, kept the *Political Supremacy* in his own hands.

Charles the *Great* might complement *Adrian*, and call him *universal Pope*; and say he gave St. *Wilehade* a Bishoprick at his *command*: But he kept the power of *convocating Synods* every year, and sate in them as a Judge himself. *Auditor & arbiter adsui*: he made *Ecclesiastical* Decrees in his

his own *Name*, to whom this very Pope——acquitted all *claim* in the *Election* of *succeeding Popes* for ever. A great deal more in answer to both these, you have in *Arch-Bishop Bramhall.* p. 235, 236. and King *James*'s defence. p. 50. *&c.*

CHAP. XIX.

The Popes pretended Ecclesiastical Right. Not by General Councils. 8 First. To which Sworn. Justi. *Sanction. Can. Apost. allowed by* C. Nice *and* Ephesus.

THough it seem below his *Holiness*'s present grandeur to ground his Right upon the *Civil Power*, especially when that fails him; yet methinks the *jus Ecclesiasticum*, is not at all unbecoming his pretences, who is sworn to govern the Church according to the *Canons*, as they say the Pope is.

If it be *pleaded*, that the *Canons* of the Fathers do invest the Pope with *plenary Power* over all Churches: And if it could be proved too; yet one thing more remains to be proved, to subject the Church of *England* to that his *power*, *viz.* that the *Canon Law* is binding and of force in *England* as such, or without our own *consent* or allow-

allowance: And 'tis impossible this should be proved, while our *Kings* are *Supreme*; and the *constitution* of the Kingdom stands as it hath always stood.

However, we decline not the examination of the plea, *viz.* that the *Popes Supremacy over the whole Church is granted by the Canons of Councils, viz.* general: But when this is said, it is but reasonable to demand *which?* or in what *Canons?*

It is said, the Pope receives his Office with an *Oath*, to observe the *Canons* of the eight first general *Councils*; in which of these is the *grant* to be found? Sure so great a *conveyance* should be very legible and *Intelligible.*

We find it very plain, that in some of those *Councils*, and those the most ancient; this *Power* is expressly *denyed* him, and that upon such reason, as is *eternal*: and might justly and effectually prevent any such *grant* or *usurpation* of such power for ever; if *future Grants* were to be just and reasonable, or future *Popes* were to be governed by *Right* or Equity; by the *Canons* of the Fathers, or *fidelity* to the Church, to God or their own solemn *Oaths* at their *Inaugurations.*

But we are prepared for the examination of the *Councils* in this matter, by a very strong *presumption*: That seeing *Justinian* made the *Canons* to have the force of *Laws*, and he had ever shewed himself so careful to maintain the *Rights* of the *Empire* in all causes, as well as over all persons, *Ecclesiastical*; & even Popes themselves; 'tis not credible that he would suffer any thing in those *Canons* to pass into the body of the *Laws*, that should be agreeable to the pretended donation

nation of *Constantine*; or to the prejudice of the *Emperor*'s said *Supremacy*; and consequently, not much in favour of the *Supremacy* claimed by later *Popes*.

Justin. Sanction of four first.

Justinian's Sanction extended to the *four* great *Councils*, *Nic. Constant. Ephes.* 1. and *Calcedon*; in these Words, Θεσπίζομεν, &c. *Sancimus Vicem Legum obtinere Sanctos Ecclesiasticos Canones, qui à Sanctis quatuor Conciliis constituti sunt & confirmati; hoc est Niceno, &c.* —*praedictorum enim Consiliorum dogmata, sicut divinas Scripturas, accipimus, & Canones sicut Leges observamus.*

Apostles' Canons not mention. reason.

Perhaps, it may be doubted, why he did not confirm those *Canons* which were then well known by the Title of the *Canons* of the *Apostles*: whether, because their *Authority* was suspected, especially *many* of them; or, because they were not made by a truly *General Council*; or, because they were *Confirmed* in and with the *Council* of *Nice* and *Ephesus*, *&c.* or lastly, whether, because the *first fifty* had before, a *greater* Sanction from the *general Reception* of the whole Church; or the greater *Authority* of the Sacred *Names* of the Authors, the *Apostles*, or Apostolical men; I venture not to declare my opinion.

Vid. Bin. To. 1. p. 17. a.

Ibid.

But truly, there seems something considerable for the *later*; for that the *Council* of *Nice* do not pretend to confirm the *Apostles Canons*, but their *own*, by the Quotation of *them*; taking Authority from *them*, as *Laws*, founded in the Church before to build their own and all *future Canons* and Decrees of *Councils* upon, in such matters as were found there determined.

A

A great Instance of the probability of this Conjecture we have, full to our present purpose given us by *Binius*, *Nicena Synodus* Can. 6. &c. the *Nicene* and *Ephesine Synods followed these Canons of the Apostles, appointing that every Bishop acknowledge suum primum* their *Chief* and *Metropolitane*, and do nothing without their own *Dioceſs*: but rather, the Bishop of *Alexandria*, according to the *Canons* (understand saith *Binius* those 35, 36 of the Apostles) must govern the Churches of *Egypt*; the Bishop of the *East*, the *Eastern* Churches: the *Ephesine Synod*, also saith, it is besides the Canons of the *Apostles*, that the Bishop of *Antioch* should ordain in the *Provinces* of *Cyprus*, &c.

Bin. To. 1. p. 20. can. Ap. allowed by *C. Nice* and *Ephesus*.

Hence, it is plain, that according to *Apostles Canons*, *interpreted* and allowed as *Authentick*, so far at least, by the Synods of *Nice* and *Ephesus*, the Metropolitan was *Primate* or Chief over the Churches within his *Provinces*; and, that he, as *such* (exclusive of all *Forreign* Superior Power) was to govern and ordain, within his own *Provinces*; not consonant to, but directly against the pretended *Supremacy* of the Bishop of *Rome*.

But let us consult the Canons to which *Binius* refers, and the matter is plainer.

SECT.

SECT. I.

Can. Apostol.

THere is nothing in the *Canons* of the *Apostles* to our purpose, but what we find in *Can.* 35, 36. or in the Reddition, as *Binius* gives it, *Can.* 33 and 34.

35, 33. Τὸς ἐπισκόπους, &c. let the *Bishops* of every Nation know, or they ought to know, who among them is accounted (or *is*) *chief*; and esteem him ὡς κεφαλὴν *ut caput*; and do nothing difficult *(aut magni momenti) præter ejus Conscientiam, vel Sententiam:* but, what if the matter were too hard for the *Primate*; is no direction given to go to the *Infallible* Chair at *Rome?* here, was indeed a proper place for it, but not a word of *that.*

In the 36 *aliàs* 34. it is added, that a *Bishop* should not dare to ordain any, beyond the bounds of his own *Jurisdiction:* but neither of these *Canons* concern the *Pope*; unless they signifie, that the *Pope* is not *Head* of all Churches, and hath not *power* in any place, but within the Dioceſs of *Rome:* or, that *Binius* was not faithful in leaving out the word κεφαλὴ, or *Head,* in his Note upon these *Canons.*

SECT. II.

SECT. II.

Concil. Nicen. Gen. 1. *Bellar. Evasion.*

VVE find nothing in the *true* Canons of the *Nicene* Synod, that looks our way, except *Can.* 6. and 7. They are thus; τὰ ἀρχαῖα, &c. *Let ancient Custom be kept, through* Egypt, Libia *and* Pentapolis; so, *as the Bishop of* Alexandria *may have power over all these,* ἔπειτα καὶ, *because also the like Custom is for the Bishop of the City of* Rome: τοῦτο σύνηθές ἐστιν· *as likewise at* Antioch *and other Provinces, let the Priviledges be kept in their own Churches:* but suppose *differences* arise; is no Liberty or Remedy provided, by going to *Rome?* no more, than if differences arise in the *Roman* Church, they may have Remedy from any other; a Remedy is indeed provided by the *Canon*; *Sin duo aut tres, &c.* if two or three do contradict, ἡ τῶν πλείονων ψῆφος· not go to *Rome*; but *obtineat Sententia plurimorum*, let the major *Vote* carry it. Can. 6.

In the *seventh* Canon, *Custom* and *Tradition* both, are the *Grounds* upon which the *Council* confirmed the like priviledge of the Church of *Hierusalem*; *because Custom and Ancient Tradition, ut Æliæ Episcopus honoretur*, let him have have the *consequence* of Honour, with a *Salvo*, for the proper Dignity of the *Metropolis*; but not a word of *Rome*. Can. 7.

Note, that in *Can.* 6. the Power of the *Alexandrian* Bishop is grounded upon Ancient *Custom* (*Antiqua consuetudo servetur*) and not upon the *Concession* of the Roman Bishop; as *Berlar-*

mine would force it; and that the like manner or *Custom* of *Rome*, is but another *Example* of the same thing, as *Antioch* was and the rest of the Provinces; but this ungrammatical and illogical *Evasion* was put off *before*.

SECT. III.

Concil. Constantinop. Gen. 2. *An.* 381.

THE next *Council*, admired by *Justinian*, as one of the *Gospels*, is that Famous Council of *Constantinople* adorned with 150 *Fathers*. Hath this made any better provision for the *Pope*'s Supremacy? certainly no: for the very *first Canon*, chargeth us not to despise the Faith of the 318 *Fathers* in the Synod of *Nice*; which ought to be held firm and *Inviolate*.

Can. 1. *Bin. p.* 660. *Alter. Editio. Bin. p.* 664.

The *Second* Canon forbids the *confusion* of *Dioceses*; and therefore injoyns (*Secundum Regulas constitutas, i. e.*) the Rules of the *Apostles*, and *Nicene* Fathers to be kept: the Bishop of *Alexandria* must govern them in *Egypt* only; and so the rest, as are there mentioned more particularly, than in *Nicene* Canons.

Can. 2.

In the *Third*, is reinforced the *Canon* of the former *Council* against *Ordinations* by Bishops out of their own Jurisdictions; and adds this *Reason*, that casts no countenance upon any *Forreign* Jurisdiction; *'tis manifest that the proper Provincial Synod ought to administer and govern all things, per quasque singulas Provincias*, within their peculiar Provinces; *secundum ea quæ sunt in Nicæa definita.*

Can. 3.

This

This third *Canon* honours the Bishop of *Constantinople*, next after the Bishop of *Rome*; as *Binius* renders πρεσβεῖα τῆς τιμῆς. But *Binius* is very angry that such a *Canon* is found there, and urgeth many reasons against it; and therefore we shall conclude, that as none of the rest, so neither doth this *Canon*, confer the *universal* government of the Church upon the Bishop of *Rome*. *Bin. To. 1. 672.*

SECT. IV.

Concil. Ephesin. *Gen.* 3. *An. Christi* 431.

THe *third* general *Council*, whose *Canons Justinian* passed into *Laws*, is that of *Ephesus*, and this so far abhors from the *grant*, that it is a plain and zealous contradicter of the Popes pretensions.

In *Act* the seventh, 'tis agreed against the invasion of the Bishop of *Antioch*, that the *Cyprian Prelates* shall hold their Rights untouched and unviolated, according to the Canons of the holy *Fathers* (before mentioned) and the ancient *custom*, ordaining their own Bishops; and let the same be observed in *other* Dioceses, and *in all Provinces, that no Bishop occupy another Province*, (or subject it by force) which formerly and from the beginning, *was not under his power or his Predecessors*: Or if he have done so let him restore it, *that the Canons of the Fathers be not slighted, nor Pride creep into the Church—nor Chri-*

stian Liberty be lost. Therefore it hath pleased the holy Synod, that every Province enjoy its Rights and Customs unviolated, which it had from the beginning, ἐξ ἀρχῆς ἄνωθεν, *twice repeated*, whereby we are to learn a very great *Rule*; that the *bounds* of primacies were settled *very early*, before this *Council* or any other *general* Council, before this even at the *beginning*: and that those bounds ought to be observed to the *end*, according to the *Canons* of the Fathers and ancient *custom*: and consequently, that such as are *invaders* of others Rights, are bound to make *restitution*. Now 'tis evident, we were a *free Province* in *England* in the *beginning*, and when St. *Augustine* came from *Rome* to invade our *Liberties*; 'tis evident this *Council* gave the Pope no *power* or priviledge to invade us: Yea, that what power the Pope got over us in *after* times, was a manifest *violation* of the Rights we had from the *beginning*; as also of the *Canons* of the ancient Fathers, in the three mentioned sacred and *General Councils* of *Nice*, *Constantinople*, and *Ephesus*; all grounded upon the *ancienter* Canons called the *Apostles*.

Lastly, such Usurpers were *always* under the obligation of the *Canon* to *restore* and quit their incroachments; and consequently the *Brittanick* Churches were always *free* to *vindicate* and reassume their Rights and *Liberties*, as they worthily did in *Hen.* 8.

SECT.

SECT. V.

Concil. Calcedon, *Gen.* 4. *An*, 451. S. W's *Gloss.*

THere is little hope that this *Council* should afford the Pope any advantage, seeing it begins (*Canones &c.*) with the *confirmation* of all the *Canons* made by the *Fathers* in *every Synod* before that time; and consequently of those that we have found in *prejudice* to his pretensions among the rest.

The *Ninth Canon* enjoyns upon differences betwixt Clerks, that the Cause be heard before the *proper Bishop*; betwixt a *Bishop* and a *Clerk*, before the *Provincial* Synod; betwixt a *Bishop* or Clerk and the *Metropolitan*, before ἔξαρχον τῆς διοικήσεως, or the See of the Royal City of *Constantinople*. To the same effect we read *Can.* 17. *Si quis a suo, &c.* If any one be injured by his *Bishop* or Metropolitan, *apud Exarchum seu Primatem Dioceseos, vel Constantinopolitam sedem litiget.* But Can. 9. Can. 17.

Where is any provision made for Remedy at *Rome?* Indeed that could not consist with the sence of this *Synod*, who would not endure the *Supremacy*, or so much as the *Superiority* of *Rome* above *Constantinople.*

This is evident in *Can.* 28 the *Fathers* gave priviledge to the *See* of *old Rome*; *Quod Urbs illa imperaret, & eadem consideratione*, saith the *Canon*, and for the same reason an *hundred and fifty Bishops* gave ἴσα πρεσβεῖα, *equal Priviledges* to the Seat of *new Rome*; *recte judicantes*, right- Can. 28.

ly judging that that City that hath the *Empire* and the *Senate*, should enjoy *equal Priviledges* with old Royal *Rome*, *etiam in rebus Ecclesiasticis non secus ac illa extolli ac magnificri, secundam post illam existentem.*

S. W.'s Gloss. Now to what purpose doth *S. W.* (to Dr. *Hammond*) trifle on the *Canon*, and tell us that these *Priviledges* were only *Honorary* Pomps; when the *Canon* adds in *Ecclesiastical matters*, and names one, the *Ordination* of Bishops and Metropolitans *within themselves*; as *before was declared by the divine Canons*. We conclude that this *Bar* against the Popes universal Pastorship, will *never* be *removed*.

These are the four *first* general *Councils*, honoured by *Justinian* as the *four Gospels*; to which he gave the *Title* and force of *Laws*. By which all Popes are bound (by solemn *Oath*) to *Rule* the Church: Yet we find not *one* word in any of them, for the Popes pretended *universal Pastorship*: Yea in *every* one of them we have found so much and so directly against it; that as they give him no power to *govern* the *whole Church*; so by *swearing* to observe them in such government as the *Canons deny* him; he swears to a *contradiction* as well as to the *ruine* of his own *pretensions*.

Argument. We conclude from the premises, that now, seeing all *future Councils* seem to build upon the *Nicene* Canons; as *that*, upon the *Apostles*; if the Canons of *Nice* do indeed limit the *power* of the Bishop of *Rome*, or suppose it to have *limits*; if his cause be tried by the *Councils*, it must needs be *desperate*.

Now

Now if those Canons suppose bounds to belong to every *Patriarchate*, they suppose the like to *Rome*: But 'tis plain, that the bounds are given by those Canons to the Bishop of *Alexandria*; and the reason is, because this is also *customary* to the Bishop of *Rome*. Now 'tis not reasonable to say, *Alexandria* must have *limits* because *Rome* hath, if *Rome* have no limits. *Minor.*

Pope Nicolas himself so understood it, whatever *S. W.* did: *Nicena, &c.* the *Nicene Synod*, saith he, conferred no *increase* on *Rome*, *but rather took from* Rome *an example*, particularly, what to give to the Church of *Alexandria*. *I.E. Pis.8.*

Whence Dr. *Hammond* strongly concludes, that if at the making of the *Nicene* Canons *Rome* had *bounds*; it must needs follow by the *Ephesine* Canon, that those bounds must be at *all times* observed in *contradiction* to the *universal Pastorship* of that *See*.

The matter is ended, if we compare the other *Latin Version* of the *Nicene* Canon, with the *Canon* as before noted.

Antiqui moris est ut Urbis Romæ *Episcopus habeat principatum, ut suburbicana loca, & omnem provinciam suâ sollicitudine gubernet; quæ vero apud Ægyptum sunt, Alexandrinæ Episcopus omnem habeat sollicitudinem: Similiter autem & circa Antiochiam & in cæteris Provinciis privilegia propria serventur Metropolitanis Ecclesiis.*

Whence it is evident, that the Bishop of *Rome* then had a *distinct Patriarchate* as the rest had; and that whatever *Primacy* might be allowed him beyond his *Province*, it could not have any real *power* over the other Provinces of *Alexandria, &c.* And 'tis against the plain sence of

of the *Rule*, that the *Antiquus mos* should signifie the custom of the *Bishop* of *Rome*'s permission of Government to the other *Patriarchs*, as *Bellarmine* feigneth. This *Edition* we have in *Christopher Justellus*'s Library; the *Canon* is in *Voel. Biblioth. Jur. Cano. Tom.* 1. *p.* 284.

SECT. VI.

Concil. Constant. 2. *The Fifth General Conc. of* 165 *Bishops. An.* 553.

Bar. an. 553. *nu.* 224.

Bin. To. 2. *Not. in con. Const.* 5.

Baronius and *Binius* both affirm, that *this* was a *general* Council; and so *approved* by all Popes, Predecessors and Successors of St. *Gregory*, and St. *Gregory* himself.

The *cause* was; Pope *Agapetus* had condemned *Anthinius*; the matter was afterwards ventilated in the *Council*: Now where was the Popes *Supremacy?* we shall see immediately.

After *Agapetus*, succeeded *Vigilius*: When the *Council* condemned the *Tria Capitula*, Pope *Vigilius* would defend them; but how did he carry it in *Faith* or *Fact?* Did the *Council* submit to his *Judgment* or *Authority?* No such thing: But quite contrary, the *Council* condemned the *tria capitula* and ended: The Pope for not consenting, but *opposing* the *Council*, is banished by the Emperor *Justinian*. Then *Vigilius* submits, and *confirms* the Sentence of the *Council*; and so is released from *Banishment*. This is enough, out of both * *Baronius* and *Binius*.

* *Ibid. N.* 223.

The

The Sum is, we condemn (say they as is expressed in the very *Text*) *all that have defended the* Tria Capitula; but *Vigilius*, say the Historians, *defended the* Tria Capitula; therefore was *Vigilius* the Pope *condemned* by this *Council*: such *Authority* they gave him.

SECT. VII.

Concil. Constant. *of* 289 *Bishops.* 6 *General. An.* 681 *vel* 685. *Concil.* Nic. 7 *General. of* 350 *Bishops. An.* 781.

Bellarmine acknowledgeth these to be *sixth* and *seventh* general *Councils*; and both these he acknowledgeth did *condemn* Pope *Honorius* for an *Heretick lib.* 4. *de Pont. C.* 11.

For *Bellarmine* to urge that these *Councils* were *deceived* in their Judgment touching his opinion, is not to the point; we are not disputing now, whether a Pope may be a *Heretick* in a *private* or *publick* Capacity, in which the *Councils* now condemned him; though he seems to be a *bold* man, to prefer his own bare *conjecture* a *thousand* years after about a matter of *Fact*, before the judgment of two *general Councils*, consisting of 659 *Bishops*; when the cause was *fresh*, *Witnesses* living, and all *circumstances* visibly before their eyes: But our *question* is whether these *Councils* did either *give* to the Pope as such, or *acknowledged* in him an uncontroulable *Authority* over the whole Church? The Answer is short, they took

that

that power to *themselves*; and *condemned* the Pope for *Heresie* as they also did *Sergius* of *Constantinople.*

SECT. VIII.

Concil. Gen. 8. Constant. 383 *Bishops. An.* 870. *Conclusions from them all.*

Tom. 3. p. 149.

HOw did this *eighth general* Council recognize the Popes *Supremacy? Binius* himself tells us; this *Council condemned a custom of the Sabbath-Fast in* Lent; and the practice of it in the Church of *Rome*; and the word is, *We will that the Canon be observed in the Church of* Rome, *inconfuse vires habet.*

'Tis boldly determined against the *Mother* Church; *Rome concerned, reproved, commanded?* Where is the *Authority* of the Bishop of *Rome?*

Rome would be even with this *Council*, and therefore, saith *Surius*, she receives not this 55 *Canon.* (*Tom. 2. in conc. Const. 6. p.* 1048. *ad Can.* 65 *in Not. Bin.*

But why must *this* Canon *only* be rejected? Oh! 'tis not to be endured, that's all the reason we can have. But was not this a *general* Council? Is it not one of the eight *sworn* to by every Pope? Is not *this* Canon of the *same* Authority (as of the *Council*) with all the rest? Or is it tolerable to say, 'tis not *Authentick* because the Pope doth not receive it; and he doth not receive it because it is against himself? *Quia Matrem Ecclesiarum omnium Rom. Ecclesiam reprehendit*

hendit, non recipitur. saith *Surius, ibid.*

These are the *eight first general* Councils, allowed by the *Roman* Church at this day: What little exceptions they would defend their *Supremacy* with, against all that hath appeared; are answered in the *Postscript* at the latter end of the book, whither I refer my Readers for fuller satisfaction.

In the mean time we cannot but *conclude*, Concluſ. 1. That the *Fathers* during *eight hundred and seventy years after Christ*, knew no such thing as the *Popes Supremacy* by *divine Right* or any right at all, seeing they *opposed* it. Infer.

2. That they did not believe the *Infallibility* of the Church of *Rome*.

3. That they had no *Tradition* of *either* that Supremacy or Infallibility.

4. That 'tis vain to plead *Antiquity* in the *Fathers* or *Councils* or Primitive *Church* for either.

5. That the *Judgment* of those 8 *general Councils* was at least the Judgment and *Faith*, not only during their *own* times, but till the *contrary* should be *decreed* by a *following* Council of as *great* Authority; and how long that was after, I leave to themselves to answer.

6. That the *Canons* of those 8 *first general* Councils, being the sence both of the *ancient* and the *professed Faith* of the present Church of *Rome*; the *Popes Authority* stands *condemned* by the Catholick Church *at this day*; by the *ancient* Church and the *present* Church of *Rome* her self, as she holds *Communion*, at least in profession, with the *Ancient*.

7. That this was the *Faith* of the Catholick Church,

Church, in *opposition* to the pretended *Supremacy* of the Pope, long *after* the *eight first General Councils*, is evident, by the plain Sence of it, in the said Point, declared by *several Councils* in the Ages following; as appears both in the *Greek* and *Latin* Church: a word of both.

SECT. IX.

The Latin Church. Constance. Basil. *Councils, &c.*

THe Council of *Constance* in *Germany*, long after; of almost a *thousand Fathers*, *An.* 1415, Say, *they were inspired by the Holy Ghost, and a General Council, representing the whole Church, and having immediate power from Christ*; whereunto, *obedience is due from all Persons*, both for *Faith* and *Reformation*, whether in the *Head or Members*: this was expressly confirmed by Pope *Martin*, to be held *inviolable in Matters of Faith*, *vid. Surium. Concil. Const* 99. 4. *Tom.* 3. *Conc.* Their great Reason was, *the Pope is not Head of the Church by Divine Ordinance*; as the Council of *Calcedon* said, *a thousand years* before.

Now, where was necessary Union and *Subjection* to the *Pope?* where was his *Supremacy Jure divino?* where was *Tradition, Infallibility*, or the Faith of the *present Church*, for the *Pope*'s Authority? *Concil. Basil. Bin. To.* 4. *in Conc. Basil. initio.*

The Council of *Basil. An.* 1431. decreed, as

as the *Council of Constance*; Pope *Eugenius*, would *dissolve* them; the Council *commands* the contrary, and *suspend* the Pope: concluding, that *who* ever shall question their *power* therein, is an *Heretick*: the *Pope* pronounceth them *Schismaticks*; in the end, the *Pope* did yield, and not *dissolve* the *Council*: this was the Judgment of the *Latine* Church above 1400 *years* after Christ; and indeed to *this day*, of the true Church of *France*; and in *Henry* the Eighth's time of *England*; as *Gardner* said; the *Pope* is not a Head by *Dominion*, but *Order*: his Authority, is *none*, with us; we ought not to have to doe with *Rome*; the Common Sence of all in *England*.

Bellarmine saith, that the *Pope's Subjection to General Councils is inconsistent with the Supreme Pastorship*: 'tis *Repugnant to the Primacy* of Saint *Peter*, saith *Gregory de Valentia*: yet nothing is more evident, than that General *Councils* did exercise *Authority* over *Popes*; *deposing* them; and *disposing* of their *Sees*, as the Council of *Constance* did, *three* together; and always made Canons in *opposition* to their Pretensions. *De Conc. li. 2. c. 14.* *Anal. fid. l. 8. c. 14.*

Yea, 'tis certain, that a very great Number, if not the *greater*, of the *Roman* Church it self, were ever of this *Faith*; that *General Councils* are *Superior*: have *Authority* over; give *Laws* unto; and may justly *censure* the Bishop of *Rome*. *Vid.* Dr. *Hammond's* dispute. *p.* 102.

Pope Adrian the Sixth, and very many other Learned *Romanists*, declared *this* to be their Judgment, just *before*, or near upon the time, that *Henry* the Eighth was declared *Supreme* in *England*: So much for the *Latine* Church.

SECT. X.

SECT. X.

The Greek Church. African Can. Synod. Carth. Concil. Antiochen. The Faith of the Greek Church since.

THat the *Greek* Church understood the *first* General *Councils*, directly contrary to the *Pope*'s Supremacy, is written with a *Sun-beam*, in several other *Councils*.

1. *By the* Canons *of the* African *Church.*

Can. 27. The 27th *Canon forbids all Transmarine Appeals*; threatens such as make them with *Excommunication*; makes order that the last *Appeal* be to the *proper* Primate, or a General *Council*; to the same effect, is the 137 *Canon*; and the Notes of *Voel*, upon these *Canons*, put it beyond question, that in the *Transmarine Appeals*, they meant those to *Rome*; as it is expressed, *the Church of* Rome, *and the Priests of the Roman Church.*

125.

Tom. 1. p. 425.

2. *Const. Concil. Antiochen.*

This *Council* is *more* plain: it saith, if any Bishop, in any Crime, be *judged by all the Bishops in the* Province, *he shall be judged in no wise by any* Other: *the Sentence given by the Provincial Bishops, shall remain firm.* Thus the *Pope* is excluded, even in the case of Bishops, out of his own Province; contrary to the great pretence of *Bellarmine, ibid.*

3. *Syn.*

3. *Syn. Carthag.*

This *Synod* confirmed the *twenty Canons* of *Nice*; and the *Canons* of the *African* Councils: and then, in particular, they decreed, *ab Universis——Si Criminosus est non admittatur*: again, if *any one*, whether Bishop or Presbiter, that is driven from the Church, be received into Communion (by another) even he that *receives* him is held *guilty* of the like Crime: *Refugientes sui Episcopi regulare Judicium.* Can. 4. 8. 9.

Again, if a Bishop be *guilty*, when there is no *Synod*, let him be judged by *twelve Bishops*; *Secundum Statuta Veterum Conciliorum*, the *Statutes* of the *Ancients* knew no reserve for the *Pope* in that Case. 12. 20.

Further; no *Clergy-man might go beyond the Seas, viz.* to *Rome*, without the *Advice* of his *Metropolitan*; and taking his *Formatam*, *vel Commendationem.* 23.

The 28 *Canon* is positive, that *Priests* and *Deacons* shall not *Appeal*, *ad Transmarina Judicia, viz.* to *Rome*; but to the Primates of their own *Provinces*: and they add, *Sicut & de Episcopis sæpè constitutum est*: and if any shall do so, *none in Africa* shall receive them; and *Can.* 125. 'tis renewed; adding, the *African Councils*, to which *Appeals* are allowed, as well as to the *Primates*; but still *Rome* is *Barr'd.* 28. 22.

The Sence of the Greek Church, since.

Now when did that Church *subject* it self to *Rome* in any Case? our Adversaries acknow-

ledg the *early* contests betwixt the *Eastern* and *Western* Churches, in the point of *Supremacy*; where, then, is the Consent of *Fathers*; or *Universality* of *time* and *place*, they use to boast of?

Bellarmine confesseth, that *An.* 381. to the time of the Council of *Florence*, *viz.* 1140 *years*, the *Greek* Church *disclaimed* subjection to the *Pope*, and Church of *Rome*; and he confesseth, they did so, in several *general Councils*.

And he doth but pretend, that *this* Church submitted it self to *Rome*, in the Council of *Florence*, *An.* 1549. for the contrary is evident, in that they would not *yield*, that the *Pope* should choose them a *Patriarch*; as *Surius* himself observes, *Tom.* 4. *p.* 489.

Mald. in Matth. 10. 2. *Prate in Hier. Tit. Gre.* *Vid. St. Aug. To.* 2. *Epist.* 162.

So true is it, that *Maldonate* and *Prateolus* acknowledge and *Record*; the *Greek Church* always *disliked* the *Supreme* Dignity of the *Pope*; and would never *obey his Decrees*.

To conclude, the Law of the *Greeks* hath always been against the *Pope*'s Supremacy; the *Fundamental* Law was, a *prohibition of Appeals* to *Rome*: therefore, that *Church* acknowledged no absolute *Subjection* to *Rome*. 2. They excommunicate all *African* Priests *Appealing* to *Rome*; therefore, they held no *necessity* of *Union* with *Rome*. 3. They excommunicate all such (*qui putaverint*) as should but *think* it lawful to *Appeal* to *Rome*; therefore, they had no *Faith* of the necessity of either *Union* or *Subjection* to the Church of *Rome*.

Enough, to the *Pope*'s prejudice, from the *Councils* of all sorts: we must, in the foot of the account, mind our Adversaries, that we have

have found no *colour* for the *pretence* of a *Grant*, from any one *General Council*, of the *Pope*'s *Authority*; much less over the Church of *England*: which, their *Plea* from the *Canons*, expressly requires at their hand.

For, my Lord *Bramhall*, with invincible Reason, affirms: *We were once a free Patriarchate, Independent on any other*: and, according to the Council of *Ephesus*, *every Province should enjoy its Ancient Rights, pure and inviolate*: *and that, no Bishop should occupy any Province, which did not belong to him*, from the beginning; and, if no true *General* Council, hath ever since, *Subjected Brittain*, under the *Roman* Court; *then*, saith he, *the case is clear, that* Rome *can pretend no Right over* Brittain, *without their own consent*; *nor, any further*; *nor, for any longer time*; *then, they are pleased to oblige themselves.*

We must expect, therefore, some better *Evidence*, of such *Grant* to the *Pope*; and such *Obligation* upon *England*, by the *Canons* of some truly *General Council*; and we may still *expect* it; notwithstanding the Canons of *Sardice*: which, yet shall be considered; for it is their (faint) *colour* of *Antiquity*.

SECT. XI.

The Sardican *Canons. No Grant from the Matter, manner or Authority. No Appendix to Council of* Nice. Zozimus *his Forgery never Ratified; nor thought Universal; after contradicted, by Councils.*

THE *Pope* at length usurped the *Title*, and pretended the *Power* of *Supreme*; and the *Canons*, in time obtained the Name of the *Pope's Decrees*; but the question is, what *General Council gave him either?*

Doctor *Stillingfleet* observes, that nothing is more apparent, than, that *when Popes began to pirk up*, they pleaded nothing but some *Canons* of the *Church* for what they did; then their best and *only Plea*, when nothing of *Divine Right* was heard of; as *Julius*, to the *Oriental* Bishops; *Zozimus* to the *African*; and so others: but still what *Canons?*

Arg. P. 193. The *Romanist*, against *Arch-Bishop Laud*, argues thus: *it was ever held lawful to Appeal to* Rome *from all Parts*; *therefore the Pope must be Supreme Judge: this, saith he, is evidenced by the* Sardican *Canons*; *accounted anciently, an Appendix to the Council of* Nice; *this he calls an unanswerable Argument.*

Answ. But it is more than *answered*; if we consider, either, the *Matter*, or the *Manner*, or the *Authority* of these *Canons.*

1. The

1. The *Matter*, said to be granted, appears in the *words themselves*, Can. 3. it is said, εἰ δοκεῖ· *if it seem good to you, let us honour the Memory of Saint* Peter, *and by those Bishops that are Judges*, *Scribatur* Julio, *Romanorum Episcopo*; and by the *next* Bishops of the *Province*, if need be, let the Judgment be *revoked*; *& cognitores ipse præbeat.* 1. For the matter of these Canons.

But 1. here is no *Grant*, so much as of *Appeal*, only of a *Review*. 2. 'Tis not pretended to be according to any *former Canons*. 3. The Judgment is to be *revoked* by a *Council* of Bishops chosen for the purpose. 4. The request seems to terminate in the *Person* of *Julius*, and not to extend to his *Successors*; for else, why should it be said to *Julius* Bishop of *Rome*, and not to the Bishop of *Rome absolutely?*

2. The *Manner* of the *Motion* spoils all: *if it please you*; did the *Universal* Pastorship then lie at the *feet*, or depend upon the *pleasure* of this *Council?* did no *Canons* evidence the *Pope*'s *Power*, and Right till *then? eleven years* after the death of *Constantine?* besides, how unworthily was is said, let us *honour the Memory of Saint* Peter; did the *Pope*'s *Succession* of Saint *Peter* depend upon their *pleasure* too? Manner.

3. But lastly, the *main* exception, is against the *Authority* of this *Council*; or, at least, of this *Canon*; as *Cusanus* questions, *Concord. Catthol. lib.* 2. *c.* 15. Authority.

1. 'Tis certain, they are no *Appendix* to the Council of *Nice*; wherein their *strength* is pretended to consist; though, *Zozimus* fraudulently sent *them*, under *that Name* to the *African* Bishops; which can never be excused; for they No Appendix to *Nice* Can.

are now known to have been made *twenty two years*, after that *Council*.

Zozimus's Forgery.

Upon that pretence of *Zozimus* indeed, a *Temporary* Order was made in the *Council* of *Africk*; that *Appeals might be made to the Pope, till the true Canons of* Nice *were produced*; which afterwards being done, the Argument was spoiled; and *that Pope*, if possible, was put to shame: hereupon, that excellent *Epistle* was written to *Pope Celestine*, of which you had account *before*.

Not received.

2. This *Council* was never *ratified* by the Reception of the *Catholick* Church; for the *Canons* of it were not known by the *African* Bishops, when *Zozimus* sent them, and Saint *Augustine* discredits them; saying, they were made by a *Synod of Arrians*.

Or thought Universal

3. It is evident, that this *Council* was never accounted *truly Universal*; though *Constance* and *Constantius* intended it should be so: for, but *seventy of Eastern* Bishops appeared, to *three hundred* of the *Western*; and those *Eastern* Bishops, soon *withdrew* from the other, and *decreed* things directly *contrary* to them: So that *Balsomon* and *Zonarus*, as well as the Elder *Græks*, say, it can only bind the *Western* Churches: and indeed, it was a long time before the *Canons* of it were received in the *Western* Church; which is the supposed reason, why *Zozimus* sent them, as the *Nicen*, and not as the *Sardican* Canons.

De conc. L. 1. *c.* 17.

4. After the *Eastern* Bishops were *departed*, there were not *Patriarchs* enough, to make a General Council; according to *Bellermine's* own Rule. Consequently, Venerable *Bede* leaves

leaves it out of the *Number*: the *Eastern* Churches do not reckon it among their *Seven*, nor the *Western* among their *Eight* first *General Councils*. The *English* Church, in their *Synod* at *Hodfield*, *An.* 680. left it out of their *Number*, and embrace only the Council of *Nice*, the first of *Constantinople*, the first of *Ephesus*, the first and second of *Calcedon* to this day.

Therefore *Arch-Bishop Bramhall*, had reason to say, that this *Council was never incorporated into the English Laws*, and consequently, *hath no force in* England: especially, being urged in a matter contrary to the Famous Memorial of *Clarendon*; a Fundamental *Law* of this Land: *all Appeals in* England *must proceed regularly, from the Bishop to the Arch-Bishop, and from him to the King to give order for Redress.*

But to wipe away all *colour* of Argument; what ever Authority *these Canons* may be thought to have in other matters, 'tis certain they have none in this matter *of Appeals*; for, as to this Point the undoubted *General Councils*, afterward *decreed* quite otherwise; reducing and *limiting Appeals ultimately* to the *Primate* of the Province, or a *Council*; as hath been made to appear.

When, I heare any thing of moment urged, from any *other* Council, as a *Grant* of the pretended *Supremacy* to the *Pope*, I shall consider what may be answered; till then, I think there is an *end* of his Claim, *Jure humano*; either, by a *Civil* or *Canonical* Grant; by *Emperors* or *General Councils*. So much hath been said against, and so little to purpose, for the *Council of Trent*, that I shall excuse my self and my

Reader from any trouble about it.

But I must conclude that the *Canons* of the Council of *Trent* were never *acknowledged* or received by the *Kingdom* of *England* as the Council of *Basil* was, which *confirmed* the Acts of the Council of *Constance*; which *Council* of *Constance* without the *presence* or concurrence of the Pope, did decree themselves to be a *lawful* complete general *Council Superior to the Pope*; and that he was *subject* to their *censures*; and deposed *three Popes* at a time. The words of the Council are remarkable, The *Pope is subject to a general Council, as well in matters of Faith as of manners; so as he may not only be corrected, but if he be incorrigible, be deposed.*

Epist. Synod. Conc. Basil.

To say, this *Decree* was not *conciliarly* made; and consequently not confirmed by Pope *Martin* the fifth signifies nothing; if that *Martin* were Pope; because his *Title* to the *Papacy* depended *merely* upon the *Authority* of that *Decree*. But indeed, the word *Conciliariter* was spoken by the Pope upon a *particular* occasion, after the *Council* was ended and the *Fathers* were dismissed; as appears in the *History*.

CHAP.

CHAP. XX.

Of the Popes Title by Divine Right. The Question. Why not sooner? 'Tis last Refuge.

THe *modern* Champions of the Church of *Rome*, *sleight* all that hath been said; and judge it beneath their *Master* and his *Cause* to plead any thing but a *Jus divinum* for his pretended *Supremacy*; and indeed will hardly endure and tolerate the *question*, *Whether the Pope be universal Monarch, or Bishop of the whole Church as St* Peter's *Successor, Jure divino?*

But if this point be so very plain; may I have leave to ask, why was it not urged *sooner?* why were lesser *inconsistent Pleas*, so *long* insisted on? why do not many of their *own* great *men* discern it to this day?

The truth is, if the *managery* of the Combat all along be seriously reflected on, this *Plea* of *divine Right* seems to be the *last Refuge*; when they have been driven by Dint of *Argument* out of all other *Holds*, as no longer to be defended. And yet give me leave to observe, that this last *ground* of theirs, seems to me to be the *weakest*, and the least able to secure them; which looks like an *Argument* of a *sinking cause*.

However, they mightily labour to support it, by these *two Pillars*. 1. That the government of

of the whole Church is *Monarchical.* 2. That the Pope is the *Monarch*; and both these are *Jure divino*: But these *Pillars* also must be *supported*, and how that is performed we shall examine.

SECT. I.

Whether the Government of the whole Church be Monarchical, by Divine Right? Bellar. *Reason. Scripture.*

BEllarmine hath flourished with this argument through no less than *eight whole Chapters*, and indeed hath industriously and learnedly *beaten* it as far as it would go; and no wonder if he have left it *thin.*

What *solidity* is in it, we are to weigh both from Reason and Scripture.

Not from Reason in 3 *Arg.*

Arg. 1. From *Reason* they argue thus: God hath appointed the *best* and most *profitable Government*: (for he is most wise and good) but *Monarchical* Government is the *best* and most *profitable.*

Ans. 'Tis plainly answered that to know which is the best Government, the *state* of that which is to be governed must be considered; the *end* of Government being the *profit* and good of the *State* governed; so that unless it appear that this *kind* of Government be the most convenient for the *State* of the Church, nothing is concluded. 2. We

2. We believe that *God* hath the care of the *World*, and not only of the Church; therefore in his *wise* and *good Providence*, he ought to have settled the *World* under the best and most profitable Government, *viz.* under one *universal Monarch*.

3. *Bellarmine* himself grants, that if *particular* Churches should not be gathered, *inter se*, so as to make *one*, (visible, *Political Body*) their own *proper Rector* would suffice for every one, and there should be no need of *one Monarch*.

But all *particular* Churches are not one visible *political Body*, but, as *particular* Bodies, are complete in *themselves*; enjoying all parts of *ordinary Worship* and *Government* singly; neither is there *any part* of *Worship* or *Government* proper to the *Oecumenical* Church, *qua talis*.

4. The Argument seems *stronger* the contrary way: God is good and wise, and hath appointed the *best* Government for his own Church; but he hath not appointed that it should be *Monarchical*: Therefore that kind of Government seems not to be the *best* for his Church. Christ might *foresee* the great *inconveniences* of his Churches being governed by one Ecclesiastical *Monarch*, when *divided* under the several *secular* Powers of the *World*; though the *Ambition* of men *overlook* it and consider it not.

Yet that the Government of the Church *appointed* by God, as *best* for it, is *Monarchical*, is not believed by all *Catholicks*. The *Sorbon Doctors* doubt not to affirm, that *Aristocratical* Government is the *best* of all, and most agreeable to the nature of the *Church*. *De Eccl. Polit. potest. an.* 1611,

6. But what if we yeild the whole Argument: as the government of the Church is *Imperial*, 'tis in Christ, the *Universal* Monarch over it; but he being in a *far* Country, he governs the several *parts* of his Church in distinct *Countries*, by visible *ministerial Monarchs* or *Primates*, *proper* to each: The distinction of *imperial* and *ministerial* Power, is given us in this very case by our *Adversaries*: There is nothing unreasonable, unpracticable, or contrary to the *practice* of the world in the *Assertion*. We grant that *Monarchy* is the best kind of Government in a *due Sphere*; the *World* is wide enough for *many Monarchs*, and the *Church* too: The Argument concludes for *Primates* over *Provinces*; not for an *universal Monarch*, either over the *world* or the whole *Church*.

Arg. 2. 2. The Church cannot be *propogated* (as *Bell.* argues) without a *universal Monarch*, to send *Preachers* into other *Provinces*, *&c.*

Ans. Who can doubt but that the *Governors* of any Church, have as much *Power* to send any of her *members*; and have as much power in *Pagan* and Infidel Countries as the supposed *Universal Bishop?* And if *Hereticks* can propagate their *errors*, why should not the *Orthodox*, the *Truth*, without the *Pope?*

Arg. 3. 3. 'Tis necessary (saith *Bellar.*) that all the faithful should have *one Faith*, which cannot be without one *chief Judge*.

Ans. In *necessaries* they may, in other things they *need not*; as appears sufficiently among the *Romanists*, about *this* as well as *other* points; neither could *Peter* himself, with the help of the rest of the *Apostles*, in their time *prevent* Here-

sies

sies and Schisms. These things are too weak to bear up the great power and *Universal Monarchy* pretended; and indeed an impeachment of the *wisdom* and *goodness* of Christ; if he have not provided such a Government for his Church as they plead a *necessity* of, for the said ends. The thing next to be enquired.

2. *Not from Scripture Prophesies, Promises, Metaphors, or Example of High-Priest.*

They affirm, that the *Scriptures* evince an *universal Monarchy* over the Church: but how is it proved?

Arg. The *Prophecies* and *Promises* and sundry *Metaphors* (of a *House*, *Kingdom*, *Body*, *Flock*, &c.) prove the Church to be *one* in it self; and consequently it must have *one Supreme* Governor.

Ans. We are agreed, that the Church is but *one*; and that it hath *one Supreme* Governor: And we are agreed, that Christ hath the *Supreme* Government of it, and that those Scriptures too signifie that *he* is *such*; if we consider the Government to be *Imperial*, as *Hart* confesseth to Dr. *Raynolds*: And thus the Argument passeth without any *harm*; but it still rests to be *proved* that the *ministerial* Governor is *but one*; or that the *Scriptures* intend so, or St. *Peter* or the Pope, as his *Successor*, is that one *Governor* over the *whole* Church.

'Tis true; as our *Saviour* saith, there is one *Flock* and one *Shepherd*, but 'tis as true, which he saith in the same place; *I am that good Shepherd*; but as that one *principal Pastor*, had many *Vicars*, not *Peter* only but 12 *Apostles*, to *ga-*

ther

ther and *feed* the Sheep; who were therefore sent to *Preach to all Nations*: And did, as it said, divide the *World* into 12 *Provinces* respectively. So that *one* great *Monarch* might have many *Viceroy's*, if we may so call the *future Bishops* to govern the Church; though in *Faith* but *one*, yet in *site* and place *divided*: 'Tis no unreasonable thing, that the *King* of *Brittain* and *Ireland*, should Govern *Scotland* and *Ireland*, which lye at some distance from him, by his *Deputations* as before was hinted.

Arg. 2. There was one *High-Priest* over the Church of the *Jews*; and by *Analogy* it ought to be so, in the *Christian* Church.

Ans. Many things were in *that* Church which ought not to be in *this*.

They were *one Nation* as well as one *Church*; and if every *Christian Nation* have one *High-Priest* the *Analogy* holds well enough.

The making the *Nations* of the *World* Christian, hath, as experience shews, rendred the Government of the Church by *one person*, that cannot reside in *all places*, very *inconvenient* if not *impracticable*.

Now if our *Saviour foresaw* this; and hath ordered the government of the Christian *Church* otherwise, than *Moses* had *that* of the *Jews*, who shall say, *What hast thou done?*

Vid. Ray. and Hart. *p.* 240. 2. It can never be proved, that the *High-Priest* over the *Jews*, was either called the *Judge*, or had such *Power* over that Church, as the Pope pretends over the *Christian*.

Lastly, 'tis not doubted but *Moses* was *Faithful*, and *Christ* as faithful in appointing a *fit* Government for these great and *distinct States* of the Church:

Church: But what kind of Government *Moses* appointed, is nothing to the question; unless it appear that Christ hath appointed the *same*. The proper question is, whether *Christ* hath appointed that the *Christian Church* should be governed by *one universal Monarch*, let us apply to *that*.

The great issue is, the instance of St. *Peter*. 'Tis affirmed that our *Lord* committed the Government of the *Christian* Church to St. *Peter*, and his *Successors*; the Popes of *Rome* for ever.

A *Grant* of so great *consequence* ought to be very *plain*, the *whole World* is concern'd and may expect Evidence very clear. 1. That Christ gave this universal *Supremacy* to St. *Peter*. And 2. To the Pope as his *Successor*; if either fail, *Roma Ruit*. Ar. 3. *Peter*.

SECT. II.

Of St. Peter's *Monarchy*. Tu es Petrus. *Fathers abused.*

WE are now come to the *quick*. The first great question is; *Whether Christ gave his Apostle* St. Peter *the Government of his whole Church*. This would be proved from *Matth.* 16. 18. *Thou art Peter, and upon this Rock I will build my Church*. The Argument is, what *Christ promised he gave, but in these words Christ promised to make* Peter *the Supreme Head* and Governor of his Church; therefore this *Power* was given him. 1 Scrip. Matth. 16. 18.

If

Ans. If this Argument conclude, by [*this Rock*] must be meant St. *Peter*; and the words [I *will build my Church* upon it] must signifie the committing the *Supreme* Power of the Church to him.

For the First, It is at least a controversie among the ancient *Fathers*; and many of them do deny that by *this Rock* we are to understand any thing, but that *Confession* which was evidently the occasion of this *Promise*, and was made by *Peter* just before, as St. *Cyril*, *Hilary*, *Jerom*, *Ambrose*, *Basil*, and St. *Augustine*, whose *Lapsus humanus* in it is reproved by *Stapleton. Princ. doct. li. 6. c. 3.*

But I am willing to *agree* as far as we may; and therefore shall not deny, but something peculiar to St. *Peter*'s *Person* was here promised; (though I believe it was a point of *Honour*, not a Supremacy of *Power*;) what that was will appear by the thing *promised*, *I will build my Church*—— that is, upon my Doctrine *preached by thee*. I will build my Church, thou shalt have the *honour* of being a prime and principal *Author* of the Worlds *Conversion*; or as Dr. *Reynolds* against *Hart*: *Peter*, was in order with the *first* who *believed*; and amongst those *First*, he had a *mark* of Honour in that he was named *Stone* above his Brethren. Yet as he, so the Rest are called *Foundations*; and indeed so *were* in both these *Senses*: For the *Twelve* were all *Prime Converts*, and *converters* of others; and were *Foundations* in their respective *Provinces* on which others were built: But they were not built *one* upon *another*, and they had no other *Foundation* on which they themselves were built but *Christ himself*.

P. 60.

We

We are willing to any thing, that the *Sence* of the words will conveniently *bear*; but that *they* should signifie *Power* and Government over the whole Church, and the rest of the *Apostles*, we cannot understand: for, the *Rock* is supposed before the *building* upon it; and the *building* before the *Government* of the house; and the *Government* of the Church, cannot tollerably be thought to be of the *Foundation*, or first *building* of the Church; but for the *Preservation* or *Augmentation* of it after its *existence* is supposed.

Perhaps there is ground to allow, that *Peter*'s Foundation was the *first*; as his *Name* was *first* among the *Apostles*; and that this was the *reason* of that *Primacy* of Order and Dignity which some of the *Ancients*, in their writings acknowledged in Saint *Peter*: but certainly, there is need of a plainer Text to argue *this* Text to signifie that *Supremacy* of Power over the rest of the *Apostles* and the whole Church; which is so hotly contended for by our Romish Adversaries to be given Saint *Peter*: however, after the *Resurrection* of Christ, all were made *equal*, both in *Honour* and *Power*, as Saint *Cyprian* saith, *de Unita: Eccles.*

Paul had the same Primacy over *Barnabas*, that *Peter* over Apost. as St. *Amb. in* 2 *ad. Gal.*

But it is urged, that the other *Part* of the *Promise*, is most clear, to *thee will I give the Keys of the Kingdom of Heaven, viz.* the *fulness* of *Celestial* Power, as *Hart* expressed it.

2. Script. *Matth.* 16. 19.

Our Answer is, that Christ, *here*, *promised* no more *Power* to *Peter*, than he *performed* to *all* the Apostles: *Peter*'s Confession was made in the *Name* of all; and Christ's *Promise* was made to *Peter* in the *Name* of all; and no-

Answ.

thing can be clearer, either in the *Text*, or in *Fact*.

The *Text* is plain; both, in *it self*, and in the Judgment of the *Fathers*; that *Peter* stood in the *room* of the rest; both when he made the *Confession*, and received the *Promise*, *Vid. St. Aug. in Joh. Tract.* 118. *St. Ambr. in Psal.* 38. *Jerom. adv. Jovi: li* 1. *Orig. in Math. Tract.* 1. *Hilary de Trinit. l.* 6. *&c. Cardinal. Cusan.* is plain in this Point also.

Vid. Concor. Cottrol. l. 2. *c.* 13.

And, that it did *equally* concern the rest of the *Apostles*, is evident, by the *performance* of it. A *Promise*, is of something *de futuro*: our Saviour saith to *Peter*, I *will give* thee the Keys; but *when* did he do it? and *how* did he do it? Certainly at the time, *when* he delivered those words recorded, *John* 20. 21, 23. And after the *manner* there expressed, and by that *Form* of Words: now, are not those Words spoken by Christ *equally* to all the Apostles? *As my Father sent me, so do I send you*; *whose soever sins ye remit*, *&c.* nothing plainer.

To say, that Christ gave not the Keys to *all*; but only the *Power* of remitting and retaining sins, seems pitiful, unless some other proof be offered, that Christ did actually perform this Promise to Saint *Peter apart*; and give him the *Keys* at some other time, in *distinction* to the *Power* given in the 20. *John* to *all* together.

Remitting and retaining sins, is certainly the *Power of the Keys*; and so called, by the *Council* of *Trent* it self, *Chatech. in Sacram. Penit.* and 'tis not the *keeping*, but the *Power* of the Keys, is the question; and indeed *Bellarmine* proves, that the *whole* Power of the Keys, and not a *part* only, as *Stapleton* supposed, was granted

granted to *all* the Apostles in the Words *John* 20. to be the general interpretation of the *Fathers, in Præl. Rom. Controv.* 4. *q.* 3. *de Sum. Pontif.*

Stapleton from *Turrecrem*; distinguisheth betwixt the *Apostolick*, and the *Episcopal* Power; and they grant, that the *Apostolick* Power was *equal* in *all* the Apostles, and received *immediatly* from Christ; but the *Episcopal* Power was given to Saint *Peter* with the *Keys*; and immediatly and by *him*, to the *rest*. From *Turrecrem.*

This is a *new shift*: else, why is the Title, *Apostolical*, given to the *Pope*, to his *See*, to all *Acts*, *&c.* seeing the *Pope*, according to the fineness of this distinction, doth not succeed *Peter*, as an *Apostle*, but as a *Bishop*.

'Tis as *strang*, as new: seeing the Power of the *Keys*, must as well denote the *Episcopal* Power of the *rest* of the Apostles, as of *Peter*; and the Power of *using* them, by remitting, *&c.* was given, generally and immediatly, by Christ to *them all* alike.

This distinction of *Turrecremata*, was, as *Reynolds* against *Hart* sheweth, spoiled, before Doctor *Stapleton* new vamped it, by two learned *Friars*, *Sixtus Senensis* and *Franciscus Victoria*; evidencing both out of the *Scriptures*, that the *Apostles* received all their *Power immediatly* of Christ; and the *Fathers*, that in the Power of *Apostleship* and order, (so the two Powers were called) *Paul* was *equal* to *Peter*; and the *rest*, to them *both*. *Relect. 2. de Potest. Eccl.* *Bibli Sanc. l. 6. annot.* 269 & 271.

Therefore, this distinction failing, *another* is invented, and a *third kind* of Power is set up, *viz.* the Power of *Kingdoms*; and now from the threefold Power of Saint *Peter*; *Apostola-*

tus, Ordinis, Regni, it is strongly affirmed: 1. Touching the *Apostleship*, *Paul*, as *Jerom* saith, was not inferior to *Peter*; for he was *chosen* to preach the Gospel, not by *Peter*, but by *God*, as *Peter* was. 2. Touching the Power given in the *Sacrament* of *Order*, *Jerom* saith well too; that *all* the Apostles received the Keys *equally*; and that they all, as *Bishops*, were *equal* in the degree of *Priesthood*, and the Spiritual Power of that degree: thus the first distinction is gone. But, thirdly, touching the Power of *Kingdom*, Saint *Jerom* saith best of all, that Peter *was chosen among the Twelve, and made the Head of all, that all occasion of Schism might be removed.*

1. *In Com. ad Gal.*

2. *Adverf. Jovini. & ad Evag.*

3. *Adverf. Jovin. & Lucif.*

These are Phansies of the *Schoolmen*; but where are they grounded? we are seeking for Saint *Peter*'s *Supremacy*, in the *Scripture*; where do we there, find this Power of the *Kingdom* given him by Christ? or what Ancient *Father* ever so expounded *this Text* of the *Keys?*

We grant, many expressions are found in the *Fathers*, in *honour* of Saint *Peter:* Saint *Augustine* affirms his *Primacy* is conspicuous and pre-eminent with excellent Grace: Saint *Chrysostom*, calleth him the *Mouth*, the Chief, the Top of the Company; *Theodoret* stiles him, the *Prince*; *Epiphanius* the *Highest*; Saint *Augustine* the *Head*, President and *first* of the Apostles; which he proveth out of Saint *Cyprian*, who saith, the Lord chose *Peter first*; and Saint *Jerom* saith, he was the *Head*, that *occasion of Schism* might be taken away, and gives him the honour of *great Authority*; all these were used by *Hart* against *Raynolds*.

To

To them all, Doctor *Raynolds* gives cleer and satisfactory answers shewing largely that they signifie nothing but a *Primacy* of *Election*, or *Order*, or Dignity, or *Esteem*, and *Authority* in that Sence: or a *Primacy* in *Grace* and Gifts, *viz.* a *Principallity* or Chiefness in *Worth*; or a Primacy of *Presidentship* in Assemblies, as the *Mouth* and Moderator; or the *Head* of *Unity* and Order, as *Jerom* means: but 'tis not to be proved from any or *all* of these *Encomiums*, that the Fathers believed that the *other* Apostles were under Saint *Peter* as their Governour; or that he had any *real Power* given him by Christ more than they.

The Words of Saint *Cyprian* are plain and full: albeit Christ, saith he, gave *equal* Power to all the Apostles after his Resurrection; and said, as *my Father*, &c. yet to declare *Unity*, he disposed by his Authority, the *Original* of that *Unity*, beginning in *one*: no doubt, saith he, the rest were the same that *Peter* was; endued with the *like fellowship* (*par i Consortio*) of *Honour* and *Power*; but, the *beginning* doth come from *Unity*, that the Church of Christ may be shewed to be but *one*. 1. *St. Cyp. de unit. Eccl.*

Thus, this Topick of the *Fathers*, expounding the *Text*, being found to fail, another *device*, and such a one as the very *detection*, both answers and *shames* the Authors, is fled unto; *viz.* to *corrupt* instead of purging the *Fathers*; and to make them speak home indeed:

The place of Saint *Cyprian*, just now set, is a very clear *instance* of this *black* Art, allowed by the *Popes* themselves; the place in the former *Prints*, was, as it is set down, in the *Roman-purged-* *In Opusc. contr. Græc.*

Cyprian, is thus *altered* by *addition* of these words, *And the Primacy is given to Peter.* Again he appointed one Church, and the Chair to be one; and to make all sure, the *Antwerp Cyprian* addeth conveniently *Peter's* Chair: And then, saith he, who forsaketh *Peter's Chair*, on which the Church was founded, &c. And by this time *Peter's Primacy* is the Popes *Supremacy*. *Vid.* Dr. *Rayn. p.* 210, 211.

Against *Hart.*

But *Tho. Aquinas* hath dealt worse with St. *Cyril*, Fathering a *Treasure* upon him which he never *owned*, beyond all tolerable defence. To the *Grecians* St. *Cyril* is brought in speaking thus: *Christ did commit a full and ample power both to* Peter *and his Successors—The Apostles in the Gospels and Epistles have affirmed (in every Doctrine)* Peter *and his Church to be instead of God; and to him, even to* Peter, *all do bow by the Law of God, and the Princes of the World are obedient to him, even as to the Lord Jesus; and we as being Members must cleave unto our Head, the Pope and Apostolick See*, &c.

Now either St. *Cyril* said thus, or not: If he did; who will believe him, that shall make such *Stories*, and Father them upon *every Doctrine* in the *New Testament*, contrary to common sence, and the *knowledge of all*; or trust his cause to the interpretation of *such Fathers*. But if *this Book*, called St. *Cyril's Treasure*, be none of St. *Cyril's*, as certainly it is not; then though I am provoked, I shall say no more; but that we should weigh the *Reasons*, but not the Authority of such a *Schoolman*, especially in his *Masters* Cause. 'Tis certain, the *words* are not to be found in those parts of *Cyril's Treasure*, which are *Extant*, as

Hart

Hart acknowledgeth to Dr. *Raynolds*.

Yet the abuse of *single Fathers* is not so hainous a thing, as *Thomas* committed against 600 *Bishops* even the *General Council* of *Calcedon*, when he saith they decreed thus. *If any Bishop be accused let him appeal freely to the Pope of* Rome, *because we have* Peter *for a Rock of Refuge*; *and he alone hath Right with freedom of Power, in the stead of God, to Judge and Try the crime of a Bishop, according to the Keys which the Lord did give him*; calling the Pope the Holy Apostolick and *universal Patriarch of the whole World*. Now in that *Council* there is not a word of all this; and they answer, *Hereticks* have rased it out, if you will believe it, but neither *Surius* nor *Caranza* find any thing wanting. I shall only make this Note, that seeing the *Fathers* have been so long in the hands of those men that stick at nothing that may advance the *Power* of their *Master*: 'Tis no wonder that their learned Adversaries are unwilling to trust their cause with *such* Judges, but rather *appeal* to the true *Canon* and call for *Scripture*. Ibid.

One would think this were enough: but this Opinion of the *equality* of *Power* among the *Apostles*, was not only the concurrent Judgment of the *Ancients*, but even of learned *later* men in the Church of *Rome* even from these words, *Tues Petrus &c.* upon unanswerable *Reason. Lyra*, on *Matth.* 16. *Durand* a St. *Porciano* in 4 *Cent. dist.* 18. *q.* 2. both in the 14 *Cent.* and *Abulensis* in the 15 *Cent.* the latter argues earnestly, that none of the Apostles did understand those *words* of Christ, to give any *Supremacy* to *Peter*; for afterwards they contended for *Superiority*, *Matth.* In Matth. 18. q. 7. In Matth. 20. q. 83, 84.

18. and after that the two *Sons* of *Zebedee* desire it, *Matth.* 20. and at the *last Supper* the question is put again, *Luke* 22. Therefore he concludes, they thought themselves equal till Christs death, when they knew not which of them should be *greatest*. *Cusanus* his contemporary *de concord. Cath. l. 2. c.* 13. and 34. and *Fran. Victoria.* This was the interpretation of *all* the Doctors of *Paris*, and of *Adulphus Arch-Bishop* of *Cologne*, and of the *Bishops* of his *Province*; the Decrees of whose *Synod*, with this interpretation, were ratified in every point by *Charles* the *Fifth*, and *enjoyned* to be observed.

Bin. Conc. an. 1549.

Thus the chief ground of St. *Peter*'s *Supremacy* is sunk, and there is little hopes that any *other Text* will hold up that weighty *super-structure*.

Another Scripture much insisted on for the support of St. *Peter*'s *Supremacy*, is *Joh.* 21. 14, 15, 16. *Peter lovest thou me, feed my Sheep, feed my Lambs*: Wherein is committed to *Peter* the power of the whole Church.

Joh. 21. 14, &c.

'Tis answered, this Text gives not any Commission or *power* to St. *Peter*; it gives him *charge* and Commandment to *execute* his Commission received before. Now it hath appeared sufficiently, that the *Commission* was given *equally* to all the *Apostles* in those words; as *my Father sent me, so send I you, &c.* so that the power of *feeding*, and the Duty of *Pastors* was alike to them all; though this Charge was given to *Peter* by name here, with so many *Items* perhaps intimating his *repeated Prevarications*; yet were they *all sent*, and all charged with a *larger* Province than these words to *Peter* import: *Teach all Nations*,

Ans.

tions; *Preach the Gospel to every Creature*; are our Saviours charge to them all.

In the *Apostolick* Power all were equal (saith *Hart*) not in the *Pastoral* Charge. Obj.

We answer with a distinction (allowed by *Stapleton*) of the Name *Pastor*; 'tis *special* and distinct from Apostle: *Some Apostles*——some *Pastors*; or *general* and common to *all* commission'd to preach the Gospel: So Christ is called *Pastor*, and all the Apostles were *Pastors* as well as *Peter*. Ans. Eph. 4.

But St. *Peter* was the *Pastor* over the rest; for he is charged to *feed* all the Sheep, the whole Church: Now the *Rest* of the Apostles were Christs *Sheep*, and members of his Church. *Hart* and *Ray. p* 129. Obj.

Christ saith not to *Peter*, feed (*all*) my Sheep, but he doth say to them *all* Preach—*to every Creature*: And if *Peter* have *power* over the rest, because they are *Sheep*, and he is to *feed* the Sheep; then every one of the rest have *power* over *Peter* because he is a *Creature*, and they are to preach to *every Creature*. But this is *trifling*, so is all that is further argued from this Text; though by *Feeding* we understand *Ruling*, Ruling of Pastors, or what you will; while whatsoever was charged on *Peter* here, is within the same *Commission*, wherein *Peter* and all the rest of the Apostles are equally impowered as before; and that of *Bellarmine*, [that *Peter* was to feed the Sheep as *ordinary* Pastor; the *Apostles* as extraordinary Embassadors] is altogether as groundless; as if there were any colour of *Reason*, that an *ordinary* Pastor should have more power than an *extraordinary* Embassador. Ans.

Dr.

13 Oct. 1562. Dr. *Hammond* observes, *Bellarmine* was not the Author of that Artifice; *Cajetan* and *Victoria* had used it before him; and obtained it the *honour* of coming into the *Council of Trent*; where the Bishop of *Granada* derided it, and the Authors of it; and soon after the Bishop of *Paris* expresly affirmed, that *Cajetan* was (about 50 *years* before) the first *deviser* of it. The Bishop of *Granada* confutes it by *Scripture*, as understood by all the *Fathers* and *Schoolmen*; as he affirmed. *Concord. Cathol. l. 1. c. 11.*

To conclude this matter, *Feed my Sheep*, are not a ground for the *Popes Presidency*; which are found not to be so of *Peter's*, above the body of the Universal Church; as was publickly pronounced in the *Covent* of the *Fryers Minors*, and appears by the *Opusc.* of *John Patriarch* of *Antioch*: And *Cardinal Cusanus* who lived at the *same* time, makes them words of *Precept* not of *Institution*; and both are agreeable to the interpretation of the Ancients. St. *Ambrose de dign. Sacerd. c. 2. Aug. de Ago. Christiano c. 30. Theoph. in Joh. c. 21, &c.*

De Conc. Cath. l. 2. c. 23.

It is time to look further. The *third* great place of Argument is *Luk.* 22. 31. *Thou being converted, strengthen thy Brethren.* Whence *Hart* reasons thus: Christ commands *Peter* to *strengthen his Brethren*; and his *Brethren* were the *Apostles*: Therefore he was to strengthen the *Apostles*, and by consequence he must be their *Supreme* Head.

Luk. 22. 31

Rayn. and *Hart.* p. 142.

Ans. When *Hart* urged this Argument, with all his *wit* and might; and Dr. *Raynolds* had made it evident, there is no *Authority* given by the words; nor carried in the word *Strengthen*, that

Equals

Equals and *Inferiors* are capable of it as well as *Superiors*: (much less can it necessarily imply a Supremacy over the whole *Church*; he confesseth with *Stapleton*, that Christ gave the *Power* to *Peter* after his *Resurrection*, when he said to him, *Feed my Lambs*; (which we have weighed before) but those words of (*strengthning*, &c.) he spake before his death, and did but (*futuram insinuaverat*) insinuate therein; and as *Harts* word is, that he would make him *Supreme Head*; then if he did not make him so *afterward*, he did it not at all.

That *Peter* had power over the rest of the Apostles, would be proved, as before, from the *Promise* and *Commission* of Christ, so at last by *Peter's Execution*; he proposed the *Election* of a *new Apostle* in the Room of *Judas*. 4 Scrip. Act. 1. 25.

Therefore he was *Speaker* (at least *pro tempore*) in the Assembly; but not a *Prince* or Supreme *Monarch*. Ans.

But St. *Chrysostom* saith, that though *Peter's* modesty was commendable for doing all things by *common advice* and consent, and nothing by his own *Authority*; yet addeth, that no doubt it was lawful for *Peter* to have chosen *Matthias himself*. Obj. In Matth. 40. 51.

Yet the same *Father* calls this *Seat* given him by the rest, a *Primacy*, not a Supremacy: Again he derives this *Primacy* from the *modesty* of the Apostles, (not the *donation* of Christ) as *Hart* confesseth. But indeed the *Father* exceeded in his *Charity*; and 'tis he that said that *Peter* might have chosen one *himself*: The *Scripture* saith not that he might; yea it saith *he did not*. And the Argument from *Peter's Execution* of this power Ans. In Matth. Hom. 15. Rayn. Hart. p. 156.

power is come to this, *that he did not execute it.*

Besides, many *Fathers* and in *Council* too; together with St. *Cyprian*, *pronounce*; that *Peter* proposing the matter, to the end it might be carried by *common advice* and voice, did according to the lessons and *Precepts* of God; therefore, *jure divino*, they thought *Peter* had no such *power* as Dr. *Raynolds* shews. p. 159.

5 Scrip. Act. 15. But when *Peter* had been heard, all the *Multitude* held their peace; and *James* and all the Elders did agree unto *Peter*'s *Sentence.*

Ans. What is this to prove his *Supremacy?* because the *Council* having heard *Gamaliel* agreed to him, was therefore *Gamaliel* (a *Pharisee*, a *Doctor* of the Law, whom all the People *honoured*) *Supreme Head*, and Superior to the *High-Priest* and *Council?* And if *Jerom* say, *Peter* was *Princeps Decreti*, he acknowledged perhaps the *Reason*, the *Motion*, and the *Delivery* or declaration of it, *principally to Peter*, the *first Author* of the Sentence, as the same *Jerom* calls him; and explains himself *Epist.* 11. *inter Epistol. August.* So was *Tully* called, *viz. Prince of Decrees*, when he was neither *President* nor *Prince* of the *Senate.*

Act. 3. 34.

Pro Cor. Balbo.

We conclude, that *Peter* had no Superiority of *Power* or Government over the *rest* of the Apostles, or the whole Church; because it neither was *promised* him, nor *given* him, nor *Executed* by him; notwithstanding *Bellarmine*'s 28 *Prerogatives* of St. *Peter*; from which I presume none can be so hardy as to venture to argue: many of them being *uncertain*; some *vain* and trifling, and some *common* with the *rest* of the Apostles; but neither *divisim* or *conjunctim* sufficient to make, or to *evince* any real *Supremacy* of power in St. *Peter.* The

Peter added, *Nihil doctrinæ aut potestatis* Aquinas. Not inferior to the chief Apost. 2 Cor. 11. 5.

5. 'Tis indeed, said, by some of the *Fathers*; that the Government of the *World*, and the *care* of the whole Church was committed to *Peter*: but it is plain they speak of his *Apostleship*; for they say the same of *Paul*; *ille Solus gerebat*, τὰ τῆ οἰκουμένης ἁπάσης· *& Orbis præfectam suscepit*; and the like, of *Timothy*; who was never reputed *Universal Monarch*: Paul *and* Peter *had two different Primacies* (Saint *Ambr.*) had the *same Dignity*; (*Chrisost.*) *were equal.*) *Oecumenius.*

So *Paul* judged. *Chrisost. Hom.* 12, 2. & 87.

Hom. 1. *ad Pop. Orat.* 6. *Con. Jud.*

CHAP. XXI.

Of the Pope's Succession.

I Have laboured the *more* to scatter the pretences of Saint *Peter's Supremacy*; because (though the *Consequence* be not good from *that* to the *Popes*, yet) 'tis a *Demonstration*; that if Saint *Peter* had it not, the *Pope* cannot have it, as his *Successor*, *Jure divino*.

We must leave Saint *Peter's Supremacy*, to stand or fall to the Reason of the Discourse before; and must now examine the *Plea of Successor*; and the *Pope's Authority* over the Church, as he is *Successor to Saint* Peter.

Now, that it may appear we love not quarrelling; we shall *not* dispute; whether *Peter* was a *Bishop* of a particular See? whether he was over

ever at *Rome?* whether *Rome* was *at first converted* by him? whether he was Bishop of *Rome?* whether he *resided* there for any considerable time? whether he *died* there? whether the *Pope* had any honour as his *Successor?* or lastly, whether the *Pope* had the *Primacy* of all Bishops in the former Ages of the Church? 'tis well known, that *few* Adversaries would let you run away *quietly*, with all or *any one* of these.

Yet there are *two* things, that I shrewdly question- 1. Whether the *Pope* had at first the *Primacy* it self, as *Successor* of Saint *Peter*. 2. Much more, whether by that *Succession*, he received *Supreme* Power over the whole Church, *Jure Divino*; the main Point to be proved, is the *last*: yet it may be worth the while, to examine the *first*.

SECT. I.

Whether the Primacy of Peter, *descended to the Bishops of* Rome? *Neg.*

Peter Primate. IT doth not appear, that Saint *Peter* had his *Primacy*, over the *rest* of the Apostles, as *Bishop*, much less as Bishop of *Rome*; but the *contrary* doth appear.

Reas. 1. 1. Because he was *Primate*, long *before* he *Before.* was *Bishop*, if he was so, at all; and therefore, if he was *Primate*, *ratione Muneris*, or with respect to any Office; it was that, of his *Apostleship*, and not of his *Episcopacy*; the Consequence,

quence, then, is evident, that the *Pope* could not *succeed* Saint *Peter*, in the *Primacy*, as *Bishop* of *Rome*; or indeed in any Sence; for the *Apostolical* Office was *extraordinary*; and did not descend by Succession, as the *Romanists* yield.

That, Saint *Peter* was *Primate*, not as *Bishop*, but was antecedently so; it is most apparent upon the *Grounds* of it allowed and pleaded by our *Adversaries*; because he was first called to the *Apostleship*, he was *named*, the *first* of the Apostles; he had the *first promise* of the Keys; he was the *first Converter* of the *Gentiles*, &c. *Privilegium personale, cum persona extinguitur. Jesuit Salas.* Not as Bishop.

2. Indeed, the *Primacy* of Saint *Peter* arose from such *personal* respects and grounds, that rendred it *incapable* of Succession; and therefore, none could derive that *Prerogative*, though they had succeeded him both as *Bishop* and *Apostle*. Reas. 2. On personal respects.

These *Prerogatives* of Saint *Peter*, which *Bellarmine* himself laies down as the Grounds and Arguments of his *Primacy*, are generally *such*, at least, *all* of them that appear in the *Scriptures*; *all* of them but such, as either *beg* the question or depend on notorious *Fables*: as appears at first view.

1. Saint *Peter* was *Primate*, because his *Name* was *changed* by Christ. 2. Because, he was always *first named*. 3. He alone walked on the *Waters*. 4. He had peculiar *Revelation*. 5. He paid *Tribute* with Christ. 6. He was the *chief* in the miraculous *fishing*. 7. He is commanded to *strengthen* his Brethren. 8. He was the *first* of the Apostles, that saw Christ *risen* from the dead. 21 Prerogatives. Bell.

dead. 9. His *feet* Christ first washed. 10. Christ foretold his *death*, to him *alone*. 11. He was *President* at the Election of *Matthias*. 12. He *first preach'd* after the Holy Ghost was given. 13. He did the *first Miracle*. 14. He condemned the hypocrisie of *Ananias*, &c. 15. passed through all quarters, *Acts* 9.32. 16. He *first* preach'd to the *Gentiles*. 17. He was *miraculously* delivered out of *prison*. 18. *Paul envied* him. 19. *Christ baptized* him alone. 20. He detected and condemned *Simon Magus*. 21. He spake first in the Council, *Acts* 15.

These are 21 of the *Prerogatives* of Saint *Peter*, which *Bellarmine* makes Grounds and Arguments of his *Primacy*; which, if one say them over, and endeavour to *apply* them to any but Saint *Peter*'s (individual) *person*, it will appear *impossible*; the *reasons* of this *Primacy*, cannot be supposed out of *Peter*'s *person*; therefore the *Primacy* cannot pass to his *Successor*: mark them, and you will find they are all either *Acts* done by Saint *Peter*, or *Graces* received by him; and so *personally* in him, that, whatsoever depends on them, must needs *die* with Saint *Peter*'s *person*, and cannot be inherited by his *Successor*.

Argum.

Indeed, this *Primacy* rose of such *Grounds*; and was in Saint *Peter* by *Consequence* of them; had the *Primacy* been an *Office*, or a Grace given, *of* or *in* or *for it self*, without respect to any of these *Grounds*, there had been some shadow (and but a shadow) for its *Succession*: but it having an *essential* dependence on those *Reasons* which were peculiar and proper to Saint *Peter*'s *person*, they cease together.

But,

But, lest it should be thought, that there is more of Argument in the *other seven Prerogatives* which *Bellarmine* mentioned; I beg my *Readers* pardon, to set down them also: The first is, *perpetual stability* is promised to *Peter* and his *See*. 2. He *alone*, was *Ordained Bishop* by Christ, and the *Rest* by *him*. *Card. Cusan.* believes *Anaclet. Episc. Bellarmine* proves it counterfeit, *c.* 34. *p.* 771. *Azorius. Suarez.* and *Cosm. Ph.* deny it (these plainly beg the thing in question.) 3. He placed his Seat at *Rome*. 4. Christ *appeared* to him, a little *before* he *died*; therefore *Primate?* and his *Successor* too? 5. The Churches which he *founded*, were always counted *Patriarchal*. 6. The *feast* of his *chair* was celebrated. 7. And his *Name* added to the Name of the *Trinity*, *in literis formatis*: What then, was he not yet *Primate before* all this? was not his *Primacy* founded upon the *Reasons* above? will you say, he was not *Primate*; or by virtue of his Primacy was not *President* in the *two Councils* mentioned? and, if that be more than confessed, (even pleaded by you) must not the former *personal* respects, be the *Grounds* of that *Primacy?* and is it possible for such a *Primacy*, by Succession, to descend to any other *person?* none, that consider, will say it. Other seven Prerog. *Bill.*

The *Fathers* acknowledge a *Primacy* in Saint *Peter*; but upon such *personal* grounds as are mentioned. Saint *Peter* was called a *Rock* (saith Saint *Ambrose* (if the Book be his) *eo quod primus in Nationibus*, &c. because he was the *first* that laid the Foundation of Faith in the World. *Cerameus* gives him likewise, *primus Aditus Ædificationis spiritualis*. Fathers. Serm. 47.

Christianorum Pontifex primus, Petrus; *& Reliquorum Apostolorum Princeps, propter virtutis Amplitudinem :* He was Prince, for the greatness of his *Virtue*. Virtue, is a *personal* gift, and cannot pass by Succession.

Euseb.

Object. Saint *Chrisostom* indeed, is urged against us -- *Curam, tum Petro, tum Petri Successoribus Committebat. lib. 2. de Sacerdotio.*

Answ. 'Tis granted, *Peter* had his *Successors* in *time* and *place*; and that's all the words, (καὶ τοῖς μετ' ἐκεῖνον, to be rendred those which *followed* him) will conclude.

However, admit the Bishop of *Rome*, did succeed Saint *Peter* in his *care*, as the word is; doth it follow, that he succeeded him in his *Primacy?* which hath appeared not *capable* of Succession.

Application of Sect. 1.

Inference. Therefore, I conclude, that whatsoever *Primacy* the Bishop of *Rome* obtained in the *Ancient* Church, it was not the *Primacy* of Saint *Peter*; or, as he was *Successor* of Saint *Peter* in his *Primacy*; but he obtained it, upon other Grounds, not those *Antecedent* in Saint *Peter*; but such as arose *afterwards*, and were *peculiar* to the Church of *Rome*. A Note as easie to be observed by such as look into the *practice* of the *Ancient* Church; as of great caution and *use* in this *Controversie*. The Grounds are known to be such as these; because *Rome* was the *Imperial City*; because the *Church* of *Rome* was then most *Famous* for the Christian *Faith*; because, she was the most noted Seat of true *Tradition*;

dition; because her *Bishops* were most *Eminent* for Piety, Learning, and a charitable *Care* for other Churches: and lastly, perhaps, because Saint *Peter* had been *Bishop* there, his *Memory* might deflect some honour, at least, by way of *motive*, on the Bishop of *Rome*; as the *Council* of *Sardica* moveth; if *it please you let us honour the Memory of Saint* Peter: but, though the *Memory* of Saint *Peter* might be used, as an *Argument* of the *Pope*'s Priority; 'tis far from concluding his inheriting Saint *Peter*'s *Primacy*; though he had *honour* by being his *Successor*.

2. It further follows, that the *Primacy* of that *See* heretofore, was not *Jure Divino*, but from the *Civility* of the *World*; and the *Curtesie* of *Princes*; and the *Gratitude* of the *Church*. Indeed, this *Primacy* was not an *Office*, but an *honour*; and that honour, was not given by any *Solemn Grant* of *God* or *Man*; but seems to have *gained* upon the *World* insensibly, and by *degrees*, till it became a *Custom*, as the *Council of Nice*, intimates. Inference, Primacy not *Jure Divine*.

3, Lastly, it follows, that this *Primacy*, was not derived to the *Succeeding Bishops* of *Rome*; it standing upon such *temporary* Grounds, as *too soon* failed: for, when that, which was the *cause* of it, ceased; no wonder, if the *honour* was denied. When the *Faith* of the *See* was turned to *Infidelity*, and Blasphemy, and Atheism, and Sorcery (as their own men say) when their *piety* was turned into such *villanies* of *pride*, *Symony*, *uncleanesse*, and monstrous *lewdnesse*, (as themselves report) when their *care* and vigilance was turned into *Methods* of *wasting* and destroying the Churches; when the *Exordium* Inference, Not in succeeding Popes,

Unitatis was turned into a *Head of Schism* and division; no wonder that the *Primacy* and honour of the *See* of *Rome*, which was raised and stood upon the contrary *grounds*, was at length discovered to be *groundless*; and the former *primacy* which stood on Courtesie, and was exalted by an usurped *Supremacy* and *Tyranny*, was *thrown* off by us; and our ancient *liberty* is *Repossessed*, and the *Glory* of *Rome* is so far *departed*.

SECT. II.

Whether the Pope be Supreme as Successor of Peter, *by Divine Right?* Neg. *Not Primate as such.* Peter *himself not Supreme. Pope not Succeed him at all.*

THis is the last *Refuge*, and the meaning of it is; that our Saviour made St. *Peter Universal Monarch* of the whole Church, and intended the Pope of *Rome* should *succeed* him in that *power*.

All possible *defence* herein, hath been *prevented*: For if the Bishop of *Rome* did not succeed him in his *Primacy*, how should he succeed him in his *Supremacy?* Again, if St. *Peter* had no such *Supremacy*, as hath appeared, how should the Pope receive it as his *Successor?* Besides, what ever power St. *Peter* had, it doth no way appear that the Pope should *succeed* him in it; much less in our *Saviours Intention*, or by *Divine Right*.

However, let us try their colours. Will they

they maintain it, that *Christ appointed* the Bishops of *Rome* to succeed St. *Peter* in so great a *power?* The Claim is considerable, the *whole World* in all Ages is *concerned*; none could give this priviledge of *Succession*, but the giver of the *power*. But where did he do it? Where or *how*, *when* or by *whom* was it expressed? Should not the Grant of so great an *Empire*, wherein all are so highly concern'd, especially when it is *disputed* and pretended, be *produced?*

Instead of *plain proof* we are put off with obscure and vanishing *Shadows*, such as follow.

SECT. III.

Arg. 1. Peter *Assigned it.*

INstead of proving that *Christ did*, they say that St. *Peter* when he died, *bestowed* the *Supremacy* upon the Bishops of *Rome*, in words to this effect; as *Hart* expresseth them. *I Ordain this* Clement *to be your Bishop; unto whom alone I commit the Chair of my Preaching and Doctrine; And I give to him that power of binding and loosing, which Christ gave to me.* Arg. 1.

And what then? (*I Ordain*) then he had it not, as *Peters Successor by Divine Right*, but as a Gift and Legacy of St. *Peter*. 2. (*This* Clement) a foul blot to the *Story*: For it's plain in *Records*, that *Linus* continued Bishop *eleven* years after *Peter's death*; and *Cletus twelve* after *Linus*; before *Clemens* had the *Chair*. [*Your Bishop*] that is the Bishop of *Rome*; what's this to the Anſ. *Euſeb.* in *Chron.*

Universal Bishop? [*And I give to him*] what? the Chair of *Preaching* and Doctrine, and the *power* of the *Keys. viz.* no more than is given to *every Bishop* at his Ordination. Now 'tis observable, though this pitiful *Story* signifie *just nothing*; yet what strange *Arts* and stretches of invention are forced to support it, and to render it *possible* though all in vain.

Vid. Raynolds and Hart. p. 269 &c.

SECT. IV.

Arg. 2. *Bishop of* Antioch *did not Succeed:* Ergo *of* Rome.

Arg. 2. BEllarmine argues more *subtilly*, yet *supposeth* more *strongly* than he argues. *Pontifex Romanus*, the High-Priest of *Rome*, succeeded St. *Peter* (*dying at* Rome) in his whole *dignity* and power; for there was never any that affirmed himself to be St. *Peter*'s *Successor* any way, or was *accounted* for such; besides the *Bishop* of *Rome* and the Bishop of *Antioch*: But the Bishop of *Antioch* did not succeed St. *Peter in pontificatu Ecclesiæ totius*; therefore the *Bishop* of *Rome* did.

Ans. He supposeth that St. *Peter*'s *Successor* succeeded him in *all* his dignity and *power*; but 'tis acknowledged by his friends, there was no *Succession* of the *Apostolick*, but only of the *Episcopal* power. 2. If so, then *Linus*, *Cletus*, and *Clemens*, should have had dignity and power over *John*, and the other *Apostles*; (who lived after St. *Peter*) as their *Pastor* and *Head*; according to their own way of Arguing. 3. Besides, St.

Peter

S[t] PETER.

He was crucified at Rome with his head downwards, and Buried in the Vatican there. *S. Hierom.* after he had planted a Christian Church first at Antioch and afterwards at Rome.

Page. 246. 247

S. Peter's Martyrdom.

Joh. 21. 18. 19 *Verily verily I say unto thee when thou wast young thou girdedst thy self & walkedst whither thou wouldst but when thou shalt be old thou shalt stretch forth thy hands & another shall gird thee & carry thee whither thou wouldst not. This spake he signifying by what death he should glorifie God*

Peter had power of casting out of Devils, &c. and doing such *miracles* as the Pope pretends not to do- Lastly, what if the Pope affirms that he is, and others account him to be St. *Peter's Successor*; the point requires the truth thereof to be shewn, *Jure divino*.

SECT. V.

Arg. 3. St. Peter *dyed at* Rome. *Then* de Facto, *not* de Fide.

Bellarmine saith, the *Succession* it self is *Jure divino*; but the *Ratio Successionis* arose out of the *Fact* of St. *Peter* (planting his *See* and *dying at* Rome;) and not from Christs first Institution: Then doubts (*quamvis non sit &c.*) whether this Succession be so according to his own position, *fortè non est de jure divino*; but neither shews the *Succession* it self to be Christs *Institution* at all; nor proves the *Tradition* of *Peter*, on which he seems to lay his *stress*; and we may guess why he doth not. Arg. 3.

In short, if the *Succession* of the Bishop of *Rome* be of *Faith*; 'tis so either in *Jure* or in *Facto*: But neither is proved. Yea the contrary is acknowledged by *Bellarmine* himself. Not in *Right* because that is not *certo divinum*, as *Bellarmine* confesseth: Nor in *Fact*, because before *Peter's death*, which introduced no *change* in the *Faith*, as *Bellarmine* also confesseth, this Succession was not of *Faith*. Ans.

Indeed it is well observed, that the whole

weight of *Bellarmine*'s reasoning, is founded in *Fact*; (then where is the *Jus divinum?*) 2. In *such* fact (of *Peter*) as is not found in *Scripture*, or can be proved *any way*. 3. In such *Fact* as cannot constitute a *Right* either *divine* or *humane*. 4. In such *Fact* as cannot conclude a *Right*, in the sence of the most learned *Romanists*. *Scot. in* 4. *dist.* 24. *Cordubensis lib.* 4. *qu.* 1. *Cajetan de prim. pap. c.* 23. *Barnes in* 2. 2. *q.* 1. *a.* 10. who *contend*, that the union of the Bishoprick of the *City* and the *World*, is only *per accidens*, and not *Jure divino*, *vel imperio Christi*.

But when the uncertainty of that *Fact* (on which the *Right* of so great and vast an *Empire* is raised) is considered; what further answer can be expected? For is it not uncertain whether *Peter* were ever at *Rome?* or whether he was ever *Bishop* of *Rome?* or whether he dyed at *Rome?* or whether Christ called him back that he might dye at *Rome?* or whether he ordained *Clement* to succeed him at *Rome?* Indeed there is little else *certain* about the matter but this; that *Peter did not derive* to him that *succeeded* him, and his *Successors for ever*, his whole dignity and *Power*; and a greater Authority than he had himself, *Jure divino*.

But if we allow all the *uncertainties* mention'd, to be most certain; we need not fear to look the Argument, with all its attendants and strength, in the face. *Peter* was *Bishop* of *Rome*, was *warned* by Christ immediately to place his *Seat* at *Rome*, to stay and *dye* at *Rome*; and before he died, he appointed *one* to succeed him in his Bishoprick at *Rome*: Therefore the *Bishops* of *Rome* successively are *universal Pastors*, and have

Supreme

Supreme power over the whole Church *jure divino*. Is not the cause rendred *suspicious* by such Arguments? and indeed desperate, that *needs them*, and has no better?

SECT. VI.

Arg. 4. *Councils, Popes, Fathers.*

Arg. BELLARMINE tells us boldly, that the *Primacy* of the Roman High-Priest, is proved out of the *Councils*; the Testimonies of *Popes*, by the consent of the *Fathers*, both *Greek* and *Latin*.

Ans. These *great words* are no Arguments; the matter hath been examined under all these *Topicks*, and not one of them proves a *Supremacy* of *Power* over the whole Church to have been anciently in the Pope, much less from the *beginning* and *jure divino*; especially when St. *Augustine* and the *Greek Fathers* directly opposed it as an *Usurpation*.

A *Primacy* of *Order* is not in the question; though that also was obtained by the *ancient Popes*, only *more humano*; and on *Temporary* Reasons as hath before appeared. But as a learned man saith, the *Primacy* of a *Monarchical* Power in the Bishop of *Rome*, was never affirmed by any ancient *Council*, or by any one of the *ancient Fathers*, or so much as *dreamt* of; and at what time afterwards the Pope took upon him to be a *Monarch*; it should be inquired *quo jure*, by what *Right* he did so: whether by *Divine*, *Humane*, or altogether by *his own*, *i. e.* no *Right at all*.

Sect.

SECT. VII.

Arg. 5. *The Prevention of Schism.* St. Jerom.

Ar. 5. A *Primacy* was given to *Peter* for preventing *Schism*, as St. *Hierom* saith: Now hence they urge, that a *mere precedency* of Order is not sufficient for *that*.

Ans. The Inference is not *divine*; it is not St. *Hieroms*; it is only for St. *Peter* and reacheth not the Pope: Besides it plainly argues a mistake of St. *Jerom*'s assertion, and would force him to a *contradiction*. For immediately before; he teacheth, that the Church is built equally on all the *Apostles*, and that they all receive the *Keys*, and that the firmness of the Church is *equally* grounded on them all; so that what *Primacy* he meant, it consisted with *Equality*, as *Monarchy* cannot.

Lib. 1. Jov. c. 14.

Epist. ad Evagr. Therefore St. *Hierom* more plainly in another place, affirms; that wherever there is a *Bishop*, whether at *Rome*, *Constantinople*, *&c. Ejusdem meriti est, ejusdem est & Sacerdotii.* Again, 'tis neither *Riches* nor *Poverty* which makes *Bishops higher* or *lower*, but they are *all* the *Apostles Successors*.

SECT.

SECT. VIII.

Arg. 6. *Church committed to him.*

ST. *Chrysostom* saith, the Care of the Church was committed, as to *Peter*, so to his *Successors*. (*Tum Petro, tum &c.*) therefore the Bishops of *Rome* being *Successors* of St. *Peter* in that Chair; have the care, and consequently the *power* committed to them, which was committed to *Peter*. Ar. 6.

True, the *Care* and power of a *Bishop*, not of an *Apostle* or *universal Monarch*; the commission of all other *Bishops*, carried *Care* and *power* also. Ans.

But indeed, this *place* proves not so much as that the Pope *is* Peter's *Successor* in either; much less *Jure divino*, which was the thing to be proved: ἐν τοῖς μετ' ἐκεῖνον, those which followed in time and place, not otherwise; as before.

SECT. IX.

Arg. 7. *One Chair.* Optatus, Cyprian, Ambrose, Acacius.

THere is *one Chair* (saith *Optatus*) *quæ prima est de Dotibus*; in which *Peter* sate first; *Linus succeeded* him; and *Clemens*, *Linus*. Arg. 7.

Optatus speaks nothing against the Title or power of *other Chairs*; or for the *preheminence* of

of power in this one Chair above the *rest*.

He intended not to exclude the other *Apostolical Seats* from the *honour* or *power* of *Chairs*: For he saith as well that *James* sate at *Jerusalem*, and *John* at *Ephesus*; as that *Peter* sate at *Rome*, which *Tertullian* calls *Apostolicas Cathedras*; all *presiding* in their own places. *De præscrip. c.* 36.

'Tis most evident, that *Optatus* calls the Chair of *Peter one*, not because of any *Superiority* over other *Apostolical* Chairs; but because of the *Unity* of the *Catholick* Church, in opposition to the *Donatists*; who set up *another* Chair in *opposition* (*Altare contra Altare*) to the *Catholick* Church.

Bellarmine well observes, that *Optatus* followed the doctrine of St. *Cyprian*, who said, there is but *one* Church, *one* Chair, *&c.* And out of St. *Cyprian* himself, his meaning therein is manifest to be no other, than a *specifical*, not *numerical* Unity. He tells us plainly in the same place, that the other *Apostles* were the *same* with *Peter*, *equal* in honour and power: He teacheth that the *one Bishoprick* is dispersed—consisting of the *unanimous* multitude of many *Bishops*; that the *Bishoprick* is but *one*; a *portion* whereof is *wholly and fully Head of every Bishop*: So there ought to be but *one Bishop* in the *Catholick* Church, *i. e.* all Bishops ought to be *one* in *Faith* and *Fellowship*. *Vid. Cypr. de Unit. Eccles. & lib.* 3. *Epis.* 11.

Cyprian.

But is it not prodigious, that men should build the *Pope's Dominion*, upon the Doctrine of Saint *Cyprian* and *Optatus*? The *latter* tells us roundly; that *whosoever is without* (the Communion of) *seven Churches of* Asia, is an *Alien*;

in

in effect, calling the Pope *Infidel*; and Saint *Cyprian*, is well known to have always stiled Pope *Cornelius*, *Brother*; to have severely censured his *Successor* Pope *Stephen*, contradicting his *Decrees*; opposing the Roman *Councils*; disclaiming the Pope's Power of *Appeals*, and contemning his *Excommunications*.

A Council at *Africk* under Saint *Cyprian*; as another, wherein Saint *Augustine* sate, rejected and condemned the *Jurisdiction* of the *Pope* over them; as is frequently observed; and why do men endeavour to blind the World with a few *words* of these great *Fathers* contrary to the known Language of their *Actions* and course of *Life*.

The sence of the *words* may be disputed, but when it came to a Tryal, their deeds are known to have shewed their mind, beyond all dispute.

For Instance, *Ambrose* calls Pope *Damascus* *Amb.* *Rector of the whole Church*: yet 'tis known that he would never yield his *Sences* to the Law of *Rome* about *Easter*, *lib.* 3. *de sacr. c.* 1. for which, the Church of *Milain*, was called the Church of *Ambrose* 6-70 years after his *death*, when the *Clergy* of *Milain* withstood the *Legate* of *Leo* 9. saying, *the Church of* Ambrose *had been always free, and never yet subject to the Laws of the Pope of* Rome; as *Baron.* notes, *An.* 1059. *Nu.* 46.

Many other *Aiery Titles* and Courtly Addresses given to the *Pope* in the Writings of the *Fathers*, we have observed before, to carry some Colour for a *Primacy* of Order; but no wise man can imagine, that, they are an Evidence or *Ground*, much less a formal *Grant* of

Universal

Universal Dominion: seeing, scarce one of them, but is, in some of the *Fathers*; and usually by the *same* Fathers, given, as well to the other *Apostles*, and to other *Bishops*, as to *Peter* and the *Pope*; and so unfortunate is *Bellarmine* in his Instances, that usually, the very *same place* carries its Confutation.

It is strange, that so great a *Wit* should so egregiously bewray it self; to bring in *Acacius*, Bishop of *Constantinople*, submitting, as it were, the *Eastern* Church to the *See of Rome*; because, in his *Epistle* to Pope *Simplicius*, he tells him, *he hath the care of all the Churches*: for, what *one* Bishop of those times could have been worse pitch'd upon for his purpose? who, ever opposed himself more *fiercely* against the *Jurisdiction* of the Pope than *Acacius*? who, more boldly rejected his *Commands* than this *Patriarch*? or stands in greater opposition to *Rome* in all History? yet *Acacius* must be the Instance of an *Eastern Patriarch*'s Recognition of the See of *Rome*. *Acacius, phreneſi abreptus* (as *Baronius* hath it) *adversus Rom. Pontificem Violenter insurgit. Acacius*, that *Received* those whom the *Pope Damn'd*. *Acacius, Excommunicated* by the Pope; and the very Head of the *Eastern Schism*; this is the man that must *witness* the Pope's Supremacy against himself, and his *own*, and his *Churches* famous Cause: and this, by saying in a *Letter* to the *Pope* himself, that he had *the care of all Churches*; a Title given to Saint *Paul* in the days of *Peter*; to *Athanasius*, in the time of Pope *Julius*; to the *Bishops* of *France*, in time of Pope *Eleutherius*; and to *Zecharias* an *Arch-Bishop*, by Pope *John* the first; but

An. 478. *n.* 3. *An.* 483. *n.* 78. *An.* 484. *n.* 17. As they say.

but conferred no *Monarchy* upon any of them.

I do not remember, that I have yet mentioned the Titles of *Summus Pontifex*, and *Pontifex Maximus*; which are also said to carry the Pope's *Supremacy* in them; but it is impossible any wise man can think so. *Azor.* (*Jesuit*) acknowledgeth these terms, may have a Negative Sence only: and *Baronius* saith, they do admit *Equality*. In this Sence, Pope *Clemens* called Saint *James*, Bishop of Bishops; and Pope *Leo*, stiled all Bishops, *Summos Pontifices*; and the Bishops of the East write to the Patriarch of *Constantinople* under the Title of Universal Patriarch, and call themselves Chief Priests. *Epist. ad Tharasiam, &c.*

Sum. & max. Pontifex.

Epis. 88

SECT. X.

The Conclusion touching the Fathers.

Reasons why no more of them. A Challenge touching them. No Consent of Fathers in the Point. Evident in General Councils. Reasons of it. Rome's *contradiction of Faith. Pope, Schism, Perjury,* &c.

I Was almost tempted, to have gone through, with a *particular* Examination of all the *Titles* and *Phrases*, which *Bellarmine* hath with too much

much Vanity, gathered out of the *Fathers* both *Greek* and *Latine*, on behalf of the *Pope's Supremacy:* But, considering, they are most of them very *frivilous* and impertinent; and that I conceive I have not omitted *any* one that can be soberly thought *material*; and, that *all* of them have been *frequently* answered by Learned *Protestants*; and very *few* of them (so answered) thought fit to be *replied* to by our Adversaries; I thought it prudent, to excuse that very *needless* exercise; and I hope none will account me blame-worthy for it: but, if any do so, I offer *Compensation*, by this humble *Challenge* upon mature deliberation.

A Challenge. If any one, or more *places*, in any of the *Ancient Fathers*, *Greek* or *Latin*, shall be chosen, by any *sober* Adversary; and argued from, as *Evidence* of the Pope's *Supremacy*, as *Successor to Saint* Peter; God giving me life and health, I shall *appear* and undertake the Combate, with weapons extant, in our English Writers; though they may not think, that *one* or two, or more passages out of *single Fathers* are sufficient, to bear away the *Cause* in so *great* a Point: seeing, they themselves, will not suffer the *Testimony* of many of the same *Fathers*, to carry it for us, in a Point of the *least* Concernment.

In the mean time, I most *confidently conclude*; that the Pope's *Supremacy* hath not the *Consent* of the Primitive *Fathers*; as *Bellarmine* boasts; and that, what ever he would have them say; they did not *believe*, and therefore not *intend* to *say*; that, *the Pope was absolute Monarch of the Catholick Church:* and consequently, that there was no such *Tradition* in the Primitive Ages;

Ages; either *before*, or during the *time* of the *eight first* General Councils; is to me, a *Demonstration*, evident, for these Reasons.

The *eight first General Councils*, being all *Called* and Convened by the *Authority* of *Emperors*, stand upon *Record*, as a notable *Monument* of the *former* Ages of the *Catholick* Church; in *prejudice* to the Papal *Monarchy*, as Saint *Peter's Successor*, in those times; the *first eight General Councils* (saith *Cusanus*) were *gathered, by Authority of Emperors*, and not of Popes: *insomuch that Pope* Leo, *was glad to entreat the Emperor* Theodosius *the younger, for the gathering of a Council in* Italy, *and* (non obtinuit) *could not obtain it.* Reas. 1. Concord. Cathol. l. 2. c. 25.

Every one of these *Councils* opposed this pretended *Monarchy* of the Pope: the *first* by stating the *limits* of the *Roman* Dioceſs; as well as other Patriarchates: the *second*, by concluding, the Roman *Primacy* not to be grounded upon *Divine* Authority; and setting up a *Patriarch* of *Constantinople*, against the *Pope's Will*: the *third*, by inhibiting any *Bishop* whatsoever, to *ordain* Bishops, within the Isle of *Cyprus*: the *fourth*, by advancing the Bishop of *Constantinople*, to *equal priviledges*, with the Bishop of *Rome*; notwithstanding the Pope's earnest opposition against it: the *fifth*, in condemning the Sentence of Pope *Vigilius* although very *vehement* in the cause: the *sixth* and *seventh*, in condemning Pope *Honorius* of *Heresie*: and the *eight* and last, by imposing a Canon upon the Church of *Rome*, and challenging *obedience* thereunto. Reas. 2.

This must pass for the unquestionable *Sence* of Reas. 3.

of the *Catholick* Church, in *those* Ages, *viz.* for the space of above 540 *years* together, from the *first General Council* of *Nice:* for our Adversaries themselves, stile every one of the General *Councils* the Catholick Church; and what was their *Belief*, was the *Faith* of the *whole* Church; and what *their belief* was, hath appeared; *viz.* that the *Pope had not absolute power over the Church Jure Divino*; an Opinion *abhorred* by their contrary *Sentences* and *practises*.

Reas. 4. 'Tis observed by a Learned man, that the *Fathers*, which flourished in all those *eight Councils*, were in Number 2280. how *few* Friends had the *Pope* left to equal and *Countermand* them? or, what *Authority* had they to do it? yea *name one* eminent *Father*, either *Greek* or *Latin*, that you count a *Friend* to the *Pope*, and in *those* Ages; whose *name* we cannot shew you in *one* of those *Councils:* if so, *hear the Church*; the Judgment of *single Fathers* is not to be received, against their *Joint Sentences* and Acts, in *Councils*; 'tis your own *Law:* now, where is the Argument for the *Pope's Authority* from the *Fathers?* they are *not* to be believ'd against *Councils:* they spake their Sence in this very *Point*, as you have heard, in the *Councils*; and in *all* the *Councils rejected* and condemned it.

2280 Fathers.

Reas. 5. The belief of these *eight General Councils* is the professed *Faith* of the *Roman* Church: Therefore, the *Roman* Church hath been involved and entangled, at least ever since the Council of *Trent*, in the Confusion and *Contradiction* of *Faith*; and that in Points *necessary to Salvation*.

Rome's contradiction of Faith.

For

For the *Roman* Church hold it *necessary to Salvation*, to *believe all the eight General Councils*; as the very *Faith* of the *Catholick* Church; and we have found all these *Councils*, have one way or other, declared plainly, against the *Pope's Supremacy*; and yet the *same* Church holds it *necessary to Salvation* to believe the *contrary*, by the Council of *Trent*; *viz.* that *the Pope is Supreme Bishop and absolute Monarch of the Catholick Church.* Bull. Pil. 4.

Some Adversaries would deal more severely with the Church of *Rome* upon this Point; and charge her with *Heresie* in this, as well as in many *other Articles*: for there is a Repugnancy in the *Roman Faith*, that seems to infer no less than *Heresie*, one way or other: he that believes the Article of the Pope's *Supremacy*, denies, in effect, the *eight first General Councils*, at least in that Point; and that's Heresie. And, he that believes the *Council* of *Trent*; believes the Article of the Pope's *Supremacy*: therefore, he that believes the *Council* of *Trent*, does not believe the *eight first General Councils*; and is guilty of *Heresie*. *Rome's* Heresie.

Again, he that believes, that the *Pope* is *not Supreme*, denies the Council of *Trent*, and the *Faith* of the *present* Church, and that's *Heresie*; and he that believes the *eight first general Councils*, believes that the Pope is *not Supreme*: therefore, he denies the *Council* of *Trent*, and the *Faith* of the *present* Church, and is an *Heretick*, with a witness.

'Tis well if the Argument conclude here; and extend not its Consequence to the charge of *Infidelity*, as well as Heresie, upon the *present* &c. Infidelity.

Roman Church: seeing, this *Repugnancy* in the Roman *Faith* seems to *destroy* it, altogether: for,

He that believes the *Pope's Supremacy*, in the *Sence* of the Modern Church of *Rome*, denies the *Faith* of the *Ancient* Church in that point, and he that believes it not, denies the *Faith* of the *present* Church; and the *present* Church of *Rome* that professeth *both*, believes *neither*. These *contrary* Faiths put together, like two contrary *Salts*, mutually *destroy* one another. He that believes *that*, doth not believe *this*; he that believes *this*, doth not believe *that*: Therefore he that *professeth* to believe *both*, doth plainly *profess* he believes *neither*.

Load not others with the crimes of *Heresie* and *Infidelity*, but *Pull the beams out of your own eye.*

Popes Schism and Perjury.

But the *charge* falls heavier upon the *Head* of the present *Roman* Church: For not only *Heresie* and *Infidelity*, but *Schism*, and the foulest that ever the Church groaned under; and such as the greatest Wit can hardly distinguish from *Apostacy*; and all aggravated with the horrid crime of direct and *self-condemning Perjury*, fasten themselves to his *Holiness's Chair*, from the very *constitution* of the *Papacy* it self.

Reas. 6.

For the Pope as *such*, professeth to believe, and *sweareth* to govern the Church according to the *Canons* of the 8 *first general Councils*; yet openly *claims*, and *professedly practiseth* a Power *condemned* by them all.

Greg. 7. Bin. To. 3. p. 1196. Innoc. 2. Bonif. 8. Extrebif. Ro. Nu. 10, 11, and 13.

Thus *Quatenus* Pope, he stands guilty of *separation* from the *Ancient* Church; and as *Head* of a new and strange Church, draws the *Body* of his Faction after him into the same *Schism*; in flat

ſtat contradiction to the *eſſential Profeſſion*, both of the *ancient* and *preſent* Church of *Rome*: and to that ſolemn *Oath*, by which alſo the Pope as Pope, binds himſelf at his *Inauguration*, to maintain and communicate with.

Hence, not only *Uſurpation*, *Innovations*, and *Tyranny*, are the Fruits of his *Pride*, *Ambition*, and *Perjury*; but if poſſible, the *guilt* is made more *Scarlet* by his *Cruelty* to *Souls*; intended by his formal Courſes of *Excommunications*, againſt all that own not his *uſurped Authority*, *viz.* the *Primitive Churches*, the 8 *firſt general Councils*, all the *Fathers* of the *Latine* and *Greek* Churches, for many hundred years; the greater part of the *preſent Catholick* Church, and even the *Apoſtles* of Chriſt, *and our Lord himſelf.*

The Sum of the whole matter. A touch of another Treatiſe. The material Cauſe of Separation.

THe *Sum* of our defence is this: If the Pope have no Right to Govern the Church of *England*, as our *Apoſtle* or *Patriarch*, or as *Infallible*; if his *Supremacy* over us was never *grounded* in, but ever *renounced* by our *Laws* and *Cuſtoms*, and the very *conſtitution* of the Kingdom: If his *Supremacy* be neither of *Civil*, *Eccleſiaſtical*, or *Divine* Right; if it be diſowned by the *Scriptures* and *Fathers*, and condemned by the *Ancient Councils*; the *Eſſential Profeſſion* of the *preſent* Roman Church, and the ſolemn *Oaths* of the Biſhops of *Rome* themſelves: If, I ſay, all

be certainly so as hath appeared; what reason *remains* for the *necessity* of the Church of *England*'s *re-admission* of, or *submission* to the Papal *Authority*, usurped *contrary* to all this? Or what reason is left to charge us with *Schism* for rejecting it?

But it *remains* to be shewn; that as the *claim* of the *Popes Authority* in *England* cannot be allowed; so there is *cause* enough otherwise of our *denial* of obedience *actually* to it, from *Reasons* inherent in the *Usurpation* it self, and the *Nature* of many things required by his *Laws*.

This is the *second* Branch of our defence; propesed at first to be the *Subject* of *another* Treatise.

For who can think it *necessary* to *communicate* with *Error*, *Heresie*, *Schism*, *Infidelity* and *Apostacy*; to *conspire* in *damning* the *Primitive* Church, the Ancient *Fathers*, *General Councils*, and the *better* and *greater* part of the Christian World at this day? or willingly at least, to return to the infinite *Superstitions* and *Idolatries*; which we have *escaped*, and from which our blessed *Ancestors* (through the infinite mercy and *providence* of God) wonderfully delivered us.

Yet these *horrid* things cannot be avoided, if we shall again *submit* our selves, and *enslave* our Nation to the pretended *Powers* and *Laws* of *Rome*; from which, *Libera nos Domine.*

Postscript.

THE POSTSCRIPT.

Objections touching the First General Councils, and our Arguments from them, answered more fully.

SECT. I.

The Argument from Councils drawn up, and Conclusive of the Fathers, and the Cath. Church.

IN this *Treatise* I have considered the *Canons* of the ancient *Councils* two ways; as *Evidence*, and *Law*. As *Evidence*, they give us the undoubted sence and *Faith*, both of the *Catholick Church*, and of single *Fathers* in those times; and nothing can be said against that. As *Law*, we have plainly found that

none of them confer the *Supremacy* pleaded for, but every one of them in special *Canons condemn* it.

Now this *latter* is so great a proof of the *former*, that it admits of no possible *reply*; except *Circumstances* on the by, shall be set in opposition and *contradiction* to the plain *Text* in the body of the *Law*.

And if neither the *Church* nor single *Fathers* had any such faith of the *Popes* Supremacy, during the *first General Councils*; then neither did they believe it *from the Beginning*: For if it had been the Faith of the Church before, the *Councils* would not have rejected it, and indeed the very *form* and method of proceeding in those Ancient *Councils*, is sufficient Evidence that it was *not*.

However, why is it not shewn by some colour of *Argument* at least, that the *Church* did believe the Popes Supremacy *before* the time of those Councils? why do we not hear of some *one* single Father, that declared so much before the Council of *Nice*, or rather before the Canons of the *Apostles*? Or why is there no notice taken of such a *Right*, or so much as *Pretence* in the Pope, either by those *Canons* or one single *Father* before that time?

Indeed our *Authors* find very shrewd Evidence of the contrary.

Dionysius. Why (saith *Casaubon*) *was* Dionysius *so utterly silent, as to the Universal Head of the Church Reigning at* Rome; *if at that time there had been any such Monarch there?* Especially seeing he *professedly* wrote of the *Ecclesiastical Hierarchy* and Government. *Exerc.* 16. *in Bar. An.* 34. *Nu.* 290.

The

The like is observable in *Ignatius*, the most Ancient *Martyr* and Bishop of *Antioch*; who in his Epistles frequently sets forth the Order *Ecclesiastical*, and dignity of Bishops upon sundry occasions, but never mentions the *Monarchy* of St. *Peter* or the *Roman* Pope. *Ibid.* he writing to the Church of *Trallis* to *obey Bishops* as *Apostles*, instanceth equally in *Timothy* St. *Paul*'s Scholar, as in *Anacletus Successor* to St. *Peter*. *Ignatius Epist. ad Tral.*

The Prudence and Fidelity of these *two* prime *Fathers*, are much stained, if there were then an *Universal Bishop* over the whole Church; that *professedly* writing of the *Ecclesiastical Order*, they should so *neglect* him, as not to mention *Obedience* due to *him*; and indeed of St. *Paul* himself, who gives us an enumeration of the *Primitive Ministry*, on set purpose, both in the *ordinary* and *extraordinary* kinds of it, [*viz. Some Apostles, some Prophets, some Evangelists, some Pastors and Teachers*] and takes no notice of the *Universal* Bishop; but we hence conclude rather, there was no such thing. St. *Paul.*

For who would give an account of the Government of a *City*, *Army*, or *Kingdom*; and say nothing of the *Mayor*, *General*, or *Prince?* This surpasseth the fancy of Prejudice it self.

Irenæus is too ancient for the *Infallible Chair*; and therefore refers us, in the point of *Tradition*, as well to *Polycarp* in the East, as to *Linus* Bishop of *Rome* in the West. *Irenæus lib. 2. c. 3. p. 140, 141.*

Tertullian adviseth to consult the *Mother-Churches* immediately founded by the *Apostles*; and names *Ephesus* and *Corinth* as well as *Rome*; and *Polycarpus* ordained by St. *John*, as well as *Clemens* by *Peter*. Upon which their own *Renatus* *Tertullian præscr. p. 76.*

notes,

notes, that *Tertullian doth not confine the Catholick and Apostolick Church to one place*; for which freedom of *Truth*, the *Judex expurgatorius* corrected him, but *Tertullian* is *Tertullian* still.

These things cannot consist, either with their own knowledge of an *Universal* Bishop, or the *Churches* at that time; therefore the Church of *Egypt* held the *Catholick* Faith with the *chief-Priests*, naming *Anatolinus* of *Constant.* *Basil* of *Antioch*, *Juvenal* of *Jerusalem*, as well as *Leo Bishop* of *Rome*. *Biv. To inter Epist. illust. person.* 147. And it is *decreed* (saith the Church of *Carthage*) we consult our Brethren, *Syricius* Bishop of *Rome*, and *Simplicius* Bishop of *Milain*. *Concil. Carth.* 3. *c.* 48.

The like we have observed out of *Origen*, *Clemens Alex.* *Cyprian*, *&c.* before.

Hence it follows, that the *Church* and the *Fathers* before the *Councils*, had no knowledge of the *Popes Supremacy*, and we have a *plain* answer to all *obscure* passages in those *Fathers* to the *contrary*.

Besides, whatever *private* opinion any of them might seem to intimate on the Popes behalf before, 'tis certain it can have no *Authority* against the sence and *sentences* of *General Councils*, which *soon after* determined against him, as hath appeared in *every one* of them, in so expres and indisputable *terms*, in the very *body* of the Canons; that it is beyond all possible hopes to support their *cause* from any *circumstantial* Arguments touching those *Councils*: Yet *these* also shall now be considered in their order.

SECT.

SECT. II.

Objections touching the Council of Nice, *anſwered.*

LEt us begin with the *Council* of *Nice*, conſiſting of 318 *Biſhops*, which is found ſo plain in two ſpecial *Canons*, (the one *forbidding Appeals*, and the other *limiting* the Jurisdiction of the *Provinces* according to *Cuſtom*) againſt the Papal *Supremacy*; that one would think nothing could be *objected*: But *Bellarmine* will ſay ſomething that was never ſaid before. 1. General.

He ſaith, the Biſhop of *Alexandria* ſhould have thoſe *Provinces*, becauſe the Biſhop of *Rome* was *accuſtomed* to *permit* him ſo to do. Obj. 1.

We have given full anſwer to this *before*; but a learned *Prelate* of ours hath rendred it ſo *ſenceleſs* and *ſhameleſs* a gloſs, in ſo many and evident inſtances; that I cannot forbear to give the ſum of what he hath ſaid, that it may further appear our greateſt Adverſaries are out of their *Wits*, when they pretend a fence againſt the *Canons*. Anſ. *Morton* grand poſt. p. 132 &c.

After the *non-ſence* of it, he ſhews its *impudence* againſt the Sun-ſhine Light of *Story* and *Grammer*; becauſe it is ſo evident, that the words [*becauſe the Biſhop of* Rome *hath the ſame Cuſtom*] are words of *Compariſon* betwixt *Alexandria* and *Rome*, in point of ancient *Priviledge*, both from the *words* [ἐπειδὴ καὶ] and *three Editions*; now entred into the *body* of the *Councils* by their own *Binius*; wherein the words are, *becauſe the Church of* Rome *hath the like Cuſtom*.

Yet

Yet this were modesty, *Did they not know*, saith he, *that the Council of* Calcedon *did against the Will of the Pope, advance the priviledge of* Constantinople, *upon this ground of Custom?*

The matter is so plain, that their own *Cardinal Cusan. concord Catho. li.2.cap.12.* concludes thus; *We see how much the Bishop of* Rome, *by use and custom of Subjectional Obedience hath got at this day, beyond* the ancient Constitutions; speaking of *this* very *Council.*

Obj. 2. *Bellarmine* saith, the beginning of that *Canon* in the *vulgar Books* is thus: *The Roman Church semper habet primatum, mos autem perduret.*

Ans. The answer is; 'tis shameful to prefer one *vulgar Book* before all other *Greek* or *Latine Copies*; and before the Book of the *Pope*'s *decrees, set out at* Paris, *an.* 1559. or the *Editions* sent by *two Patriarchs, on purpose to give satisfaction in this Cause*; which *Bellarmine* himself acknowledgeth, *lib.2.de Rom. Pont.c.13.* In none of all which, the word [*Primacy*] is to be found; and consequently is foisted into that *vulgar* book. But what if it were? the bare *Primacy* is not disputed in the sence given of it by the *Council* of *Calcedon*; *It behoves, that the Arch-Bishop of* Const. (*new* Rome) *be dignified with the same Primacy of Honour after* Rome: *Prerogativam dignitatis* Zozom. *l.7.c.9.*

SECT.

SECT. III.

2. *Gen. Council. Objections touching the Council of* Constantinople, *Answered.*

NExt, *to the Council of* Constantinople, *being the second General; let us hear what is objected.* 2. General.

They say themselves, saith *Bellarmine*, that they were *gathered* by the *mandate* of Pope *Damasus.* Obj. 1.

1. What then? suppose we should give the Pope as the *Head* of *Unity* and order, the honour of *convening General Councils*; and of sitting as *President* in them? What's this to the Supremacy of *Government?* or what more than might be contained in the *Primacy*, that is not now disputed. Ans.

2. But *Bellarmine* himself confesseth, that those words are not in the *Epistle* of the *Council* as all *Mandates* use to be; but of certain *Bishops* that had been at the *Council.*

3. 'Tis recorded, that the *Mandate* from the *Emperor* gathered them together: the *Testimony* will have credit before the *Cardinal.* *Vid. Theod. l.5.c.7. Zoz. l.7.c.7. Neceph. l. 12.*

4. Indeed the Pope sent Letters, in order to the calling this *Council*, but far from *Mandatory*; neither were they sent to the *Eastern Bishops*, to require, but to the Emperor *Theodosius* by way of *Request*, for the obtaining *Liberty* to assemble a *Synod.* Did he command the *Emperor?* why did not Pope *Leo* afterwards command a general *Council* in *Italy* nearer home, when he had in- πρὸς τὸν Βασιλέα Θεοδός.

treated

treated *Theodosius* for it with much importunity, and could not *obtain?* the time was not ripe for the Pope's *Commands*, either of *Emperors* or *Synods*.

Obj. 2. It is also said, that the *Council* acknowledged that the Church of *Rome* was the *Head*, and they the *Members*, in their very *Epistle* to Pope *Damasus*.

Ans. *Bellarmine* confesseth, this is not in their *Epistle*, but the Epistles of the *Bishops* as before.

2. If they had thus complemented the Pope, it could not be interpreted beyond the *Head* of a *Primate* and their *union* with him in the same *Faith*: 'Tis evident enough they intended nothing less than a Supremacy of *Power* in that *Head*, or *subjection* of *Obedience* in themselves as *Members*.

3. This is evident in the very *inscription* of the *Epistle*, which was not to *Damasus* only, but joyntly to *others*, thus. *Most Honourable and Reverend Brethren and Colleagues*: And the Epistle it self is answerable; *We declare our selves to be your proper Members*: but how? *That you Reigning, we may Reign with you.*

4. The Sum is, there were at this time *two Councils*, convened by the same *Emperor Theodosius* both to *one purpose*; this at *Constantinople*, the other at *Rome*: That at *Rome* was but a *particular*, the other at *Constantinople* was ever esteemed a *general* Council. Who now can imagine, that the *General* was subject to the *Particular*; and in that sence, *Members?* No, the *particular* Church of *Rome* then, was not the *Catholick*; they humbly express their Communion: *We are all Christs, who is not divided by us*; *by whose*

whose grace we will preserve entire the body of the Church. They did συνχάιρειν, (as their word was) their fellow *Members*, which they stiled συμεργοὶ their fellow Workers.

This second *Canon* against the Pope, was never *received* by the Church of *Rome*; because *Furtivè*, as *Baronius, inter Acta relatus.* Obj. 3. *Baron. Binius.*

This is beyond all *colour*; for the Bishops of *Rome* opposed it as *unfit*, yet never said it was *forged.* *Leo*, *Gelasius*, *Gregory*, all took it *very ill*, but no one said it was *false:* The Popes *Legates* also in the Council of *Calcedon* made mention of *this* Canon by way of *Opposition*, but yet never offered at its being *surreptitious:* But that which is, *instar omnium*, in this Evidence, is this; the *Fathers* of the Council of *Calcedon*, in their *Letters* to Pope *Leo*, say, that with *mutual consent*, they confirmed the *Canon* of 150 *Bishops* at *Const.* notwithstanding that his *Bishops* and *Legates*——did *dissent* therefrom. Now what if a few *Histories* do not mention this *Canon*, which is all that remains to be said? *Socrates* and *Zozomon* do, and two *positive* Witnesses are better than twenty *Negative.* Besides, though its much against the Hair of *Rome*, yet it's so evident, that *Gratian* himself reports that *Canon verbatim*, as *Acted* in that *Council.* Ans.

SECT.

SECT. IV.

Objections against the Third General Council at Ephesus, *answered.*

Obj. 1. IT is said by *Bellarmine*, that they confessed they deposed *Nestorius*, by the *Command* of Pope *Celestine*.

Ans. 1. We answer; that *Command* should appear in the Popes *Letters* to them, but it doth not; the stile of *Command* was not then in use, for almost *Li 7. Ep. 30.* 200 years after, Pope *Gregory* abhors it.

2. The words intended are these; *tum Ecclesiæ canonibus, tum Epistolâ Patris (Celestini) & Collegæ nostri, compulsi:* They were *compelled* both *Verb. Conc. de Nest. l. 1. c. 4.* by the *Canons* and by his *Letters*, therefore they did it by the Popes *Command*; an excellent consequence from the *part* to the *whole*. Indeed they first shew, that they were satisfied both by his *Words* and *Letters*, that he had deserved *deposition*; and then acknowledge they ought by the *Canons*, and no doubt would have *deposed* him, as well as *John* of *Antioch* shortly after, without the Popes *Authority*; though they give this *Complement* to *Celestine*, for his seasonable advice, grounded upon the *Canons* and *merits* of the Cause.

Obj. 2. But the *Council*, say they, durst not *Judge* John *Bishop of* Antioch; and *that they reserved* him *to the Judgment of Pope* Celestine.

Ans. Strange! *Bellarmine* hence 1. Denies matter of *Fact*, mentioned in the very same *Paragraph*. They *durst* not depose this *Patriarch*, when they tell

tell the Pope *in terminis* they had done it: *Se illum prius excommunicaſſe & omni poteſtate ſacerdotali exuiſſe.* What is this but *Depoſition?* 2. He hence concludes, a wonderful Right; that the Pope is *abſolutely* above a *General Council*: a concluſion denied by their own *general Councils* of *Conſtance* and *Baſil*, ever diſclaimed by the *Doctors* of *Paris*, as contrary to *Antiquity*; and which no *Council* ſince the *beginning* of Chriſtianity did *expreſly decree*; as Dr. *Stapleton* himſelf confeſſeth; and therefore flies to *Silence* as *conſent*. *Quamvis nullo decreto publico tamen tacito doctorum conſenſu definita &c. doctr. princ. l.* 13. *c.* 15.

But all this is evidently againſt both the *ſence* of the *Council* declared in this point, and the *reaſon* of the *Canon* it ſelf.

1. They ſufficiently declared their *ſence* in the very *Epiſtle* alledged, where ſpeaking of the *points* conſtituted by the Pope; *We*, ſay they, *have judged them to ſtand firm: wherefore we agree with you in one ſentence, and do hold them (meaning* Pelagius *and others) to be depoſed:* So that inſtead of the Popes confirming *Acts* of *Councils*, this *Council* confirms the *Acts* of the Pope, whom indeed they plainly call their *Colleague* and Fellow-worker. *Epiſ. Syn.*

2. In the *Acts* or Canons (their reaſon and very *words*, eſtabliſhing the *Cyprian* Priviledge, as hath been ſhewn) they bound and determine the power of *Rome*, as well as other *Patriarchates*; and certainly they therefore never *intended* to acknowledge the *abſolute Monarchy* of the Pope over themſelves, by reſerving *John* of *Antioch* to *Celeſtine*, after they had *depoſed* him;

they declare their own *end* plainly enough: *Ut illius temeritatem animi lenitate vinceremus*; that is, as you have it in *Binius*, Celeſtine *might try whether by any reaſon he could bring him to a better mind*, that ſo he might be *received into favour* again.

SECT. V.

Objections touching the Fourth, Fifth, Sixth, Seventh, Eighth General Councils eſpecially. Touching the Fourth General Council of Calcedon, *anſwered. Concluſion.*

Obj. 1. *Bellar.* THis *Council* ſtiled the Pope, *Oecumenical Patriarch*, or *Univerſal Biſhop*.

The *Title* was not given by the *Council* it ſelf, but by two *Deacons* writing to the *Council*, and of *Paſchaſius* the Popes *Legate* in the *Council*.

2. Though the *Council* did not queſtion the form of the *Title*, yet no one can think that they either intended to *grant* or *acknowledge* the Popes *Univerſal* Authority by ſuch their *ſilence*: For, 'tis incredible that the ſame *Council* which gave equal *Priviledges* to *Conſtantinople*, ſhould give or *acknowledge* an *Univerſal* Juriſdiction to *Rome*, over the whole Church.

3. But the *words* anſwer themſelves; *Univer-* *Conc. Calc. Act.* 3. *ſali Archiepiſcopo magnæ Romæ*, Univerſal Arch-Biſhop, not of the *whole* Church, but of Great *Rome*: Which grand *Reſtriction* denies that Univerſal

niverſal *Power*, which they would argue from it: The ſtile of the Roman *Emperor*, is *Univerſal Emperor of* Rome, and thus is diſtinguiſhed from the *Emperor* of *Turky* and all others; and denieth him to be the *Emperor* of the *whole* world.

Saith *Binius*, in *Annot. in Conc. Calced. Act* 3. *ex Baron.* The *Title* at firſt was the Biſhop of the *Univerſal* Church, becauſe it is ſo read in the *Epiſtle* of *Leo*; but was altered by ſome *Greek Scribe* in *envy* to the Church of *Rome*. Obj.

'Tis likely that a *private* man could or durſt alter the *Stile* of a *General Council*, againſt the *dignity* of the Pope, his *Legate* preſent; but 'tis more likely that ſome *Latine Scribe* hath added that *Inſcription* to the *Epiſtle* of Pope *Leo*, in honour of the Church of *Rome*; as is confeſſed by *Cuſanus* to have been done to the *Epiſtle* of *Anacletus*; and by *Baronius* to have been done to the *Epiſtle* of Pope *Boniface*; and by three other Popes themſelves unto the Council of *Nice*, *viz. Zoſimus*, *Boniface*, and *Celeſtinus*. And the rather, becauſe as was juſt now noted, this *Council* at the ſame time, honoured the Biſhop of *Conſtantinople*, with equal *Priviledges* to the Biſhop of *Rome*. Anſ.

Pope *Leo* oppoſed this Decree of the *Council*, and *diſclaimed* it. Obj. 3.

No wonder; but it ſeems *General Councils* were not always of the Popes mind; and the Pope would then have had a greater Priviledge than a *General Council*; and if that was a *General Council*, as they themſelves ſay it was, the Controverſie is *ended*: For by their own confeſſion, this General *Council* made a *Decree* againſt the Anſ.

Popes *pretences* of *Superiority*, and therefore it did not intend, by the *Title* of Bishop of the whole Church, to acknowledge that *Superiority* which he *pretended*; and that *Council* of 400 *Bishops* denied him.

Obj. This *Decree* was not lawfully *proceeded* in, because the *Legates* of the Pope were absent. *Bel. l. 2. de Pont. c. 22.*

Ans. The *Legates* were there the next day; and excepted and moved to have the *Acts* of the day before, read. *Aetius* for the *Council* sheweth, that the *Legates knew* what was done; all was done *Canonically*: Then the *Acts* being *read*, the Popes *Legates* tell the *Council*, that *Circumvention* was used in making that *Canon* of *Priviledges*, and that the *Bishops* were *compelled* thereunto. The *Synod* with a loud voice cryed, *Joyntly, we were not compelled to subscribe.* After, every one *severally* protest, *I did subscribe willingly* and *freely*, and the *Acts* are *ratified* and declared to be just and *valid*; and wherein say they, we *will persist*: the *Legates* are instant to have the Act *revoked*, because the *Apostolical See is humbled* or abased; thereto the *Fathers unanimously* answered, *the whole Synod doth approve it.* This clear account we have in *Bin. in Concil. Calced. Act.* 16. *p.* 134, and 137.

Bellarmine saith, that the Pope approved all the *Decrees* of this *Council*, which were *de fide*: and doth not *Bellarmine* argue that the Popes *Superiority* is *Jure divino?* and the *present* Church of *Rome* hold, that his *Supremacy* is a point *necessary* to Salvation? How comes it to pass, that he would not approve this *Decree?* or how can they esteem this *Council general* and lawful, and

swear

swear to observe the decrees of it, when 'tis found guilty of *Heresie* in so great a point as the Popes *Primacy?*

But to end with this, the very *Title* it self of *Bishop of the Universal Church*, in the stile of those Ages, signified certainly neither *Supremacy* nor *Primacy*; *Universal* Bishop of the Church seem'd a *dangerous* Title, importing *universal Power* over it, and was therefore so much abhorred by Pope *Gregory*. But the *Title* of *Bishop* of the *Universal Church* signified the *care* of the *whole* Chnrch, to which, as *Origen* saith, every Bishop is *called*: Therefore *Aurelius*, *Fortunatianus*, *Augustine*, are called *Bishops* of the *Universal Church*, and many in the *Greek Church* had the same honourable Titles given them; which signified either that they professed the *Catholick Faith*, or as Bishops, had a *general* regard to the good of the *Catholick* Church.

But your own *Jesuite* confesseth, that *Pelagius* and *Gregory* both Popes, have born witness that no Bishop of *Rome* before them, did ever use the *Stile* of *Universal Bishops*. However, *Universal Patriarch* makes as great a *sound* as Universal Bishop; yet that *Title* was given to *John* Bishop of *Constantinople*, by the Bishops of *Syria*. *Cod. Authent. Constitu.* 3. *Azorius.*

The custody of the *Vine*, *i. e.* the whole Church, the *Council* saith is committed to the Pope by God. Obj. *Bell. de Pont. l. 2. c. 13.*

True, so that Primitive Pope *Elutherius* said to the Bishops in *France*, the whole *Catholick Church* is committed to you. St. *Paul* also had the *care of all the Churches*, but that is high which *Greg. Nazian.* saith of *Athanasius*; that he having the Ans. *Bin. Epist. Eleuth.*

presidence of the Church of *Alexandria*, may be said thereby to have the *Government of the whole Christian World. Sal. Tom.* 16. *in* 1 *Pet.* 5.

Bishop *Morton.* Now, saith a Learned man, we are *compelled to ask with what Conscience you could make such Objections in good earnest, to busie your Adversaries and seduce your Disciples withal, whereunto you your selves could so easily make answer.*

Obj. We find no further objection against the other Councils, worthy Notice: *Bellarmine* argues the Popes *Supremacy*, because the *Synod* of *Const.* being the *Fifth General Council*, complemented the Pope as his *Obedient Servants*; *nos (inquit Praeses) Apostolicam Sedem sequimur & obedimus, &c. Bell. lib.* 2. *de pont. c.* 13. Though this very *Council* both opposed, accused, and condemned the Pope for *Heresie*; which could not possibly consist with their *acknowledgment* of his *Supremacy* or *Infallibility*.

The same is more evident, in the sixth, seventh, and eighth *General Councils, condemning the Persons and Judgments of, and giving Laws to the Bishops of* Rome; to which nothing material can be objected, but what hath been more than answered.

Binius indeed in his Tract *de Prim. Eccl. Rom.* gives us the sayings of many ancient Popes for the Supremacy pretended; especially in two points, The *Power of Appeals*, challenged by Pope *Anacetus*; *Zepherinus*, *Fabianus*, *Sixtus*, and *Symachus*; and *Exemption of the first See from censure* or judgment by any other power; claimed by Pope *Sylvester* and *Gelasius*. But these are Testimonies of Popes themselves in their own cause, and besides both these points have been found

found ſo directly and induſtriouſly determined otherwiſe by their own *General Councils*, that further anſwer is needleſs.

CONCLUSION.

THus *Objections* being removed, the Argument from the *Councils* ſettles firm in its full ſtrength; and ſeeing both the ancient *Fathers* and the *Catholick* Church have left us their ſence in the ſaid Councils; and the ſence of the *Councils* is alſo the received and profeſſed faith of the *preſent* Church of *Rome* it ſelf; who can deny that the *Catholick Church* to this day, hath not only not *granted* or *acknowledged*, but even moſt plainly *condemned* the pretended Supremacy of the Biſhop of *Rome*: Yea who can doubt but our Argument againſt it, is founded upon their own *Rock*, the very conſtitution of the *Papacy* it ſelf, as before hath appeared?

Therefore the Popes claim upon this Plea, as well as upon any or all the former, is found groundleſs; and *England*'s Deliverance from his *foreign* Juriſdiction, juſt and honeſt as well as happy: Which our good God in his wiſe and merciful Providence, ever Continue, Preſerve, and Proſper. *Amen*, *Amen*.

A Serious Alarm to all ſorts of English-Men againſt Popery, from Sence and Conſcience; their Oaths and their Interest.

1. THe *Kings* of *England* ſeem bound, not only by their Title, but in *Conſcience* of their Miniſtry under God, to defend the *Faith* and the Church of Chriſt within their Dominions, againſt *Corruption* and *Invaſion*, and therefore againſt *Popery*.

They are alſo bound in *Honour*, *Intereſt*, and *Fidelity*, to preſerve the *Inheritance* and Rights of the Crown; and to derive them *entire* to their Heirs and Succeſſors; and therefore to keep out the Papal Authority.

And laſtly, 'tis ſaid they are bound by their *Oaths* at their Coronation, and by the *Laws* of Nature and *Government*, to maintain the *Liberties* and Cuſtoms of their people; and to govern them according to the *Laws* of the Realm, and conſequently not to admit the foreign Juriſdiction

diction of the Pope, in prejudice of our ancient *Conſtitution*, our common and Eccleſiaſtical *Laws*, our natural and legal *Liberties* and *Properties*.

2. The Nobility of *England* have *anciently* held themſelves bound, not only in *honour*, but by their *Oaths*, *Terras & honores Regis &c.* to preſerve together with the King, the Territories and *honours* of the King, (*omni fidelitate ubique*) moſt faithfully; and to defend them againſt Enemies and *Foreigners*, meaning eſpecially the Pope of *Rome*. 'Tis expreſſed more fully in their *Letter* to the Pope himſelf, in *Edw.* 1. Reign, to defend the *Inheritance* and Prerogative of the *Crown*, the *State* of the Realm, the *Liberties*, Cuſtoms and *Laws* of their Progenitors, againſt all foreign Uſurpation, (*toto poſſe, totis viribus*) to the *utmoſt* of their power, and with all their might: adding, *We do not permit, or in the leaſt will permit, (ſicut nec poſſumus nec debemus) though our Soveraign Lord the King do, or in the leaſt wiſe, attempt to do any of the Premiſes*, (*viz.* owning the Authority of the Pope, by his *anſwer* touching his Right to *Scotland*) ſo *ſtrange, ſo unlawful, prejudicial, and otherwiſe unheard of, though the King would himſelf.*

See that famous *Letter* ſent to the Pope, the 29 of *Edw.* 1. taken out of *Cor. Chriſti College-Library*, and printed this year at *Oxford*, the reading of which gave the *occaſion* of theſe Meditations.

3. It appears further, in the *Sheet* where you have that *Letter*; that the Commons in Parliament have heretofore held themſelves bound, to

to reſiſt the invaſion and attempts of the Pope, upon *England*, though the *King* and the *Peers* ſhould connive at them; their words are reſolute, *Si Dominus Rex & Regni majores hoc vellent* (meaning Biſhop *Adomers* Revocation from Baniſhment upon the Popes *order*) *Communitas tamen ipſius ingreſſum, in Angliam nullatenus ſuſtineret.* This is ſaid to be recorded about the 44 of *Hen.* 3.

4. It is there obſerved alſo, that upon the *Conqueſt*, *William* the Conquerour made all the Freeholders of *England* to become *ſworn Brethren*, ſworn to defend the *Monarchy* with their *Perſons* and *Eſtates* to the *utmoſt* of their Ability; and manfully to preſerve it: So that the *whole Body* of the people, as well as the Lords and Commons aſſembled in *Parliament*, ſtood anciently bound by their *Oath*, to defend their *King* and their *Country* againſt *Invaſion* and Uſurpation.

5. The *preſent Conſtitution* of this Kingdom, is yet a ſtronger *Bulwark* againſt *Popery*: Heretofore indeed the *Papal* pretenſions were checkt, ſometimes in *temporal*, ſometimes in *ſpiritual* concerns and *Inſtances*: But upon the Reformation, the *Popes Supremacy* was *altogether* and at once rejected, and *thrown* out of *England*; and the conſequence is, an *univerſal ſtanding* obligation upon the *whole* Kingdom, by *Statutes*, *Cuſtoms*, and moſt *ſolemn Oaths*, to defend our *Monarchy*, our *Church*, our *Country*, and our *Poſterity*, againſt thoſe Incroachments and that *Thraldom*, from which we were then ſo wonderfully delivered, and, for this hundred years have been

ſo

ſo *miraculouſly* preſerved, bleſſed be God.

Accordingly in our preſent *Laws*, both the *Temporal* and *Eccleſiaſtical* Supremacy is declared to be inherent in the Crown; and our Kings are ſworn to maintain and govern by thoſe Laws: And I doubt not but all *Miniſters* of the *Church*, and all Miniſters of *State*, and of *Law* and *War*, all *Mayors* and *Officers* in *Cities* and Towns corporate *&c.* together with all the *Sheriffs* and other Officers in their ſeveral *Countries*; and even all that have received either *Truſt* or power from his Majeſty within the Kingdom: All theſe I ſay, I ſuppoſe are ſworn to defend the King's *Supremacy* as it is inconſiſtent with, and in flat *oppoſition* to *Popery*.

In the Oath of *Allegiance*, we ſwear to *bear true Allegiance* to the *King*, and to defend him againſt all *Conſpiracies* and *Attempts*, which ſhall be made againſt his Perſon and Crown, to the utmoſt of our power; meaning eſpecially the *Conſpiracies* and *Attempts* of *Papiſts*, as is plain by that which follows in that *Oath*, and yet more plain by the Oath of *Supremacy*.

In which Oath we ſwear, that the King is the *only Supreme* Governor in this Realm, as well in all *ſpiritual* things and cauſes, as temporal; and that no foreign Prince or *Prelate*, hath or ought to have any Juriſdiction *Eccleſiaſtical* within this Realm; and that we do abhor and renounce all *ſuch*. We ſwear alſo, that we will bear Faith and true Allegiance to the King—and to our power aſſiſt and defend all *Juriſdictions*, *viz. Eccleſiaſtical* as well as *Temporal*, *granted or belonging to the Kings Highneſs*.

6. Now

6. Now next to Oaths, nothing can be thought to oblige us more than Interest: But if neither *Oaths* nor *Interest*, neither *Conscience* nor *Nature*, neither *Religion* nor *self-Preservation*, can provoke us to our own *defence*; what remains! but a certain fearful expectation of judgment to devour a perjur'd and senseless Generation.

If either our joynt or several Interests be considerable, how are we all concern'd?

1. Is there any among us that care for nothing but *Liberty* and *Mony?* they should resist *Popery*, which would many ways deprive them of both.

2. But if the knowledge of the Truth, if the Canon of life in the holy *Scriptures*, if our *Prayers* in our own tongue, if the *Simplicity* of the Gospel, the *purity* of Worship and the *Integrity* of Sacraments, be things valuable and dear to *Christians*; let them abhor *Popery*.

3. If the *ancient* Priviledges of the *British* Church, the *Independency* of her Government upon *Foreign* Jurisdiction; if their legal *Incumbencies*, their Ecclesiastical *Dignities*; if their opportunities and capacities of *saving Souls* in the *continuance* of their Ministries; if their *judgment of discretion* touching their *Doctrine* and Administrations; their judgment of *Faith*, *Reason*, and *Sence*, touching the *Eucharist*; if exemption from unreasonable impositions of strange *Doctrines*, *Romish* Customs, groundless *Traditions*, and Treasonable *Oaths*: And lastly, if freedom from spiritual Tyranny and bloody *Inquisitions*; if all these be of consequence to *Clergy*-men, let them oppose *Popery*.

4. If our *Judges* and their several *Courts* of Judicature, would preserve their *Legal* proceedings,

ceedings, and judgments and decrees; if they would not be controlled and *superseded* by *Bulls*, Sentences and Decrees from the Pope, and *Appeals* to *Rome*; let them never yield to *Popery*.

5. If the Famous *Nobility* and *Gentry* of *England* would appear like themselves and their heroick *Ancestors*, in the defence of the *Rights* of their Country, the *Laws* and customs of the Land, the *Wealth* of the people, the Liberties of the *Church*, the *Empire* of *Brittain*, and the grandeur of their *King*, or indeed their own *honour* and *Estates* in a great measure; let them never endure the re-admission of *Popery*.

6. Yea, let our great *Ministers* of State, and of *Law*, and of *War* consider, that they stand not *firm* enough in their high and envied places, if the *Roman* Force breaks in upon us; and remember, that had the late bloody and barbarous *design* taken effect, one consequence of it was, to put their places into other hands: And therefore in this capacity as well as many other, they have no reason to be Friends to *Popery*.

7. As for His Most *Excellent Majesty*, no suspicion either of inclination to, or want of due vigilance against *Popery*, can fasten upon him; and may he long live in the *Enjoyment*, and under a worthy *Sence* of the *Royalties* of Monarchy, and the honour and exercise of his Natural and Legal Supremacy, in all *Causes* and over all *Persons* within his Dominions, both Civil and *Ecclesiastical*, his *Paternal Inheritance* of Empire; and at last leave it intirely to his *Heirs* and Successors upon Earth, for a more glorious Crown in *Heaven*. And in the mean time, may he defend the *Faith* of Christ, his own Prerogative, the

the Rights, Priviledges, and Liberties and Eſtates of his *People*, and the defenſive Laws and Cuſtoms of his Royal *Progenitors*: And therefore may he ever manage his Government, both with *Power*, Care and *Caution*, in oppoſition to the force, and detection and deſtruction of the helliſh *Arts* and traiterous deſigns and attempts of *Popery*.

8. I Conclude; that if the *precious* things already mentioned, and many more, be in evident danger with the *Return* of Popery, let us again conſider our *Oaths* as well as our *Intereſt*; and that we have the *Bond of God* upon our Souls; and, as the Conquerors words are, we are *Jurati Fratres*, we are ſworn to *God*, our King and *Country*, to preſerve and defend the things ſo endangered, againſt all foreign *Invaſion* and Uſurpation, *i. e.* againſt *Popery*. Accordingly, may our Excellent *King* and his *Councils* and *Miniſters*; may the *Peers* of the Realm, and the *Commons* in Parliament; may the *Nobility* and *Gentry*, may the *Judges* and Lawyers, may the *Cities* and the *Country*, the *Church* and *State*, and all Ranks and Degrees of Men amongſt us; may we all, under a juſt Senſe, both of our *Intereſt* and our *Oaths*, may we all as one man, with one heart ſtand up reſolved by all means poſſible to keep out *Popery*; and to ſubvert all grounds of *Fear* of its *Return* upon *England* for ever. *Amen*, *Amen*.

Origen, Cont. Celſ. l. 3.

οὕτω δὲ καὶ ἄρχοντα ἐκκλησίας ἑκάστης πόλεως ἄρχοντι τῶν ἐν τῇ πόλει συνιδέον.

It

It is fit that the Governor of the Church of each City, ſhould Correſpond to the Governor of thoſe which are in the City.

Præſumi malam fidem ex Antiquiore Adverſarii poſſeſſione. Leg. Civil.

Ad tranſmarina Concilia qui putaverint appellandum, a nullo intra Africam in communionem recipiantur. Concil. Milevitan.

THE

THE OATHS OF ALLEGIANCE AND SUPREMACY.

The Oath of ALLEGIANCE.

I A. B. *Do truly and ſincerely acknowledge, profeſs, teſtifie and declare in my Conſcience before God and the World, that our Soveraign Lord King* Charles *is Lawful and Rightful King of this Realm, and of all other his Majeſties Dominions and Countries: And that the Pope, neither of himſelf, nor by any Authority of the Church or See of* Rome, *or by any other means with any other, hath any Power or Authority to depoſe the King, or to diſpoſe any of his Majeſties Kingdoms or Dominions, or to Au-*

thorize any Foreign Prince to Invade or Annoy Him or his Countries, or to discharge any of his Subjects of their Allegiance and Obedience to his Majesty, or to give License or leave to any of them to bear Arms, raise Tumults, or to offer any violence or hurt to his Majesties Royal Person, State or Government, or to any of his Majesties Subjects within his Majesties Dominions.

Also I do swear from my Heart, that notwithstanding any Declaration or Sentence of Excommunication or Deprivation made or granted, or to be made or granted by the Pope or his Successors, or by any Authority derived or pretended to be derived from him or his See, against the said King, his Heirs or Successors, or any Absolution of the said Subjects from their Obedience; I will bear Faith and true Allegiance to his Majesty, his Heirs and Successors, and Him and Them will defend to the uttermost of my power, against all Conspiracies and Attempts whatsoever, which shall be made against his or their Persons, their Crown and Dignity, by reason or colour of any such Sentence or Declaration, or otherwise; and will do my best endeavour to disclose and make known unto his Majesty, his Heirs and Successors, all Treasons and Traiterous Conspiracies which I shall know or hear of, to be against Him or any of them.

And I do further swear, That I do from my

my heart abhor, deteſt and abjure, as impious and heretical, this damnable Doctrine and Poſition, That Princes which be excommunicated or deprived by the Pope, may be Depoſed or Murthered by their Subjects, or any other whatſoever.

And I do believe, and in Conſcience am reſolved, That neither the Pope, nor any perſon whatſoever, hath power to abſolve me of this Oath, or any part thereof, which I acknowledge by good and full Authority to be lawfully Adminiſtred unto me, and do Renounce all Pardons and Diſpenſations to the contrary. And all theſe things I do plainly and ſincerely acknowledge, and Swear according to theſe expreſs words by me ſpoken, and according to the plain and common ſence and underſtanding of the ſame words, without any Equivocation or mental Evaſion, or ſecret Reſervation whatſoever: And I do make this Recognition and Acknowledgment heartily, willingly and truly, upon the true Faith of a Chriſtian. So help me God, &c.

The Oath of Supremacy.

I A. B. *Do utterly teſtifie and declare in my Conſcience, That the Kings Highneſs is the only Supreme Governor of this Realm, and of all other his Highneſs Dominions and Countries, as well in all Spiritual or Eccleſiaſtical Things or Cauſes, as Temporal: And that no Foreign Prince, Perſon, Prelate, State or Potentate, hath, or ought to have any Juriſdiction, Power, Superiority, Pre-eminence or Authority Eccleſiaſtical or Spiritual within this Realm: And therefore I do utterly renounce and forſake all Foreign Juriſdictions, Powers, Superiorities and Authorities, and do promiſe from henceforth I ſhall bear Faith and true Allegiance to the Kings Highneſs, his Heirs and lawful Succeſſors, and to my Power ſhall aſſiſt and defend all Juriſdictions, Priviledges, Pre-eminences and Authorities granted, or belonging to the Kings Highneſs, his Heirs and Succeſſors, or united and annexed to the Imperial Crown of this Realm.* So help me God, and by the Contents of this Book.

THE END.

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